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COMMITTEE MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
PERMITTING AND ENFORCEMENT COMMITTEE

JOE SERNA, JR., CAL/EPA BUILDING
1001 I STREET
2ND FLOOR
COASTAL HEARING ROOM
SACRAMENTO, CALIFORNIA

MONDAY, DECEMBER 4, 2006

10:00 A.M.

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CERTIFIED SHORTHAND REPORTER
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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Rosalie Mulé, Chair

Ms. Cheryl Peace

BOARD MEMBER ALSO PRESENT

Ms. Margo Reid Brown

Mr. Jeff Danzinger

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Mr. Michael Bledsoe, Staff Counsel

Mr. Elliot Block, Staff Counsel

Mr. Mark de Bie, Branch Manager, Permitting and Inspection
Division

Ms. Donnell Duclo, Executive Assistant

Ms. Christine Karl, Staff

Mr. Howard Levenson, Deputy Director, Permitting &
Enforcement Division

Mr. Wes Mindermann, Supervisor, Solid Waste Cleanup
Programs Section

Ms. Diane Ohiosumna, Dianne

Ms. Virginia Rosales, Staff

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APPEARANCES CONTINUED

ALSO PRESENT

Mr. Dwight Acey, Citizens Against the Dump

Mr. Arthur Boone, Oakland Sierra Club

Mr. Larry Burch, Landfill Development Manager

Mr. Kevin Finn, Republic Services

Ms. June Guidotti, Protect the Marsh

Mr. George Guynn, resident of Suisun City

Mr. Rus Miller, Enertech Environmental

Mr. Luke Serpa, Assistant Public Utilities Director, City
of Clovis

Mr. David Tam, Sprawl Defense, Northern California
Recycling

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1 PROCEEDINGS

2 CHAIRPERSON MULÉ: Good morning, everybody.

3 Welcome to the December 4th meeting of the Permitting and
4 Enforcement Committee. We have agendas on the back table.
5 And if anyone would like to speak to an item, please fill
6 out a speaker's slip form and bring it up to Donnell and
7 you will have an opportunity to address the Board or the
8 Committee.

9 Also I'd like to ask everyone to please either
10 turn off or put in the silent mode your cell phones and
11 pagers.

12 And as you will note today, we will have a quorum
13 today. We just have two members to our Committee since
14 Board Member Wiggins is soon to be Senator Wiggins now.

15 With that, Donnell, would you please call the
16 roll?

17 EXECUTIVE ASSISTANT DUCLO: Members Peace?

18 COMMITTEE MEMBER PEACE: Here.

19 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

20 CHAIRPERSON MULÉ: Here.

21 And also we have Chair Brown with us and Board
22 Member Danzinger. Thank you for being here this morning.

23 How about any ex partes?

24 COMMITTEE MEMBER PEACE: No. I'm up to date.

25 CHAIRPERSON MULÉ: Up to date, and I am too.

1 With that, let's proceed to our Deputy Director's
2 report, Howard.

3 DEPUTY DIRECTOR LEVENSON: Thank you, Madam
4 Chair. I'm Howard Levenson, Deputy Director for
5 Permitting and Enforcement.

6 Is it Thursday afternoon yet? That concludes my
7 report.

8 (Laughter)

9 DEPUTY DIRECTOR LEVENSON: I have a couple of
10 items I'd like to give you an update on.

11 One is regarding load checking. And you'll
12 recall that at our last Board meeting down in Riverside
13 Matt Hickman from the Riverside County Solid Waste
14 Management Division which operates the County's public
15 landfills provided a presentation on their load checking
16 program.

17 I wanted to let you know we're planning a new
18 series of load checking classes beginning in January at
19 eight locations around the state. And some of those are
20 being finalized, but they're being posted on our events
21 calendar as they're finalized. And those classes will
22 involve LEAs, operators, and State staff. We periodically
23 offer load checking training. We've done it several times
24 in the past. And we find that the course content gets
25 modified frequently since the issue is so dynamic.

1 We have been discussing the Riverside situation
2 for quite some time, including meeting last year with the
3 Riverside County District Attorney who's been prosecuting
4 some of the cases involving hazardous waste at landfills.
5 And we also had Matt Hickman himself give the same basic
6 presentation that you heard in November at our LEA
7 conference in Monterey in August.

8 So we're designing this set of load checking
9 classes both to reiterate our traditional minimum
10 standards training and also to facilitate discussion among
11 LEAs, operators, and State staff about what can be done in
12 general to improve load checking programs. We are
13 including Matt Hickman as a case study presenter, and we
14 anticipate developing some sort of discussion item on this
15 for the Committee and Board in 2007.

16 Secondly, I wanted to talk about the financial
17 assurances for postclosure maintenance issue. As you
18 know, we held a workshop last Monday on an informal draft
19 of the regulations that would amend Title 27 postclosure
20 maintenance and Corrective Action Plan cost estimates and
21 related financial assurance demonstrations. As they're
22 currently drafted -- and these are strictly in the
23 informal phase of any rulemaking -- the regulations would
24 implement the direction that staff received from the Board
25 in July to fine tune certain aspects of the regulations

1 and also to extend the existing financial assurance
2 demonstrations beyond the normal or the current
3 requirement of 30 years.

4 The regulations would implement the initial
5 requirements of AB 2296 which was enacted this last
6 session, for example, on the use of contingency cost
7 factors and prevailing wages in developing cost estimate.
8 However, I think you're all aware there were some
9 stakeholders at the workshop who did express their belief
10 that part of the draft regulations related to extending
11 the existing financial assurance mechanisms beyond 30
12 years should be deferred until the Board-approved study on
13 additional mechanisms is completed. That's also required
14 by AB 2296 and that's to be completed by early 2008.

15 So at this point, staff will continue to solicit
16 comments from stakeholders and work with them on the
17 informal draft. And we anticipate bringing an item back
18 to the P&E Committee in March or so that outlines these
19 various issues raised by stakeholders, provides options
20 for the Committee and the Board, and provides staff's
21 recommendation.

22 Lastly, I did want to just let you know that as
23 part of the Executive Director's report on Thursday,
24 Mr. Leary, or if he's on jury duty I guess Chief Deputy
25 Nauman, will give you an update or Scott Walker will give

1 you an update on the BKK situation which Chair Mulé had
2 requested. And also we will have some information on the
3 recent Golden Guardian disaster planning exercise that a
4 number of Waste Board staff participated in.

5 That concludes my report. I'd be happy to answer
6 any questions.

7 CHAIRPERSON MULÉ: Thank you, Howard.

8 Do we have any questions? Board Member Peace.

9 COMMITTEE MEMBER PEACE: On the financial
10 assurances, doesn't the Board already have the authority
11 to extend the financial assurances beyond the 30 years?

12 DEPUTY DIRECTOR LEVENSON: That's our belief.
13 And that's the way the Board directed us in July. But the
14 legislation has some different kinds of requirements, and
15 we'll be bringing that back to you in March time frame for
16 further direction.

17 COMMITTEE MEMBER PEACE: I think the legislation
18 said that you need to start developing the regulations to
19 be done by '08. And to me that meant that things that are
20 already under our control that they believe the Board
21 already had the authority to do even without the
22 legislation was to go forward. And we would have those
23 regulations done by January '08.

24 DEPUTY DIRECTOR LEVENSON: And we are proceeding
25 down the path of looking at the regulations. The

1 legislation speaks specifically to issues such as the
2 contingency costs and prevailing wages. And that is part
3 of the package that we have in the informal discussion
4 period right now.

5 COMMITTEE MEMBER PEACE: Okay. I think we still
6 need to keep moving forward. This has been a problem for
7 many, many, many, many years. I don't think any of us
8 want to keep putting this off. That was not the intent of
9 the legislation.

10 BOARD MEMBER BROWN: Howard, what does the
11 legislation say specifically regarding the study and what
12 is required of the study?

13 DEPUTY DIRECTOR LEVENSON: I don't have the
14 language right in front of me, but the legislation refers
15 to looking at some of the health and safety risk factors
16 associated with landfills and exploring financial
17 assurance mechanisms that could deal with both postclosure
18 maintenance and corrective action at landfills.

19 BOARD MEMBER BROWN: So it's a risk assessment
20 study that will help put into place regulations for
21 postclosure maintenance 30 years or beyond 30 years.

22 DEPUTY DIRECTOR LEVENSON: That study would be
23 used to look at that. This is the kind of discussion
24 we'll bring back to you in March to seek specific
25 direction. Right now, we do have the direction from the

1 Board in July which does include the issue of extending
2 the existing financial assurance mechanisms beyond 30
3 years. And at that point we were contemplating the study
4 that would look at additional financial assurance
5 mechanisms. So it will be a discussion item for your
6 direction.

7 BOARD MEMBER BROWN: So we'll discuss that in
8 March if we have any questions about how we determine how
9 much beyond 30 years we need to require financial
10 assurance?

11 DEPUTY DIRECTOR LEVENSON: Correct.

12 BOARD MEMBER BROWN: Thank you.

13 COMMITTEE MEMBER PEACE: We're going to have this
14 discussion again when we do the governance stuff with
15 strategic directives, because I saw how that was changed
16 in the strategic directives. And that was not the purpose
17 of AB 2296 was not to postpone anything that we already
18 have the authority to do. So that's fine if you want to
19 have that discussion in March. I probably won't be here,
20 but I will be here this week when we have the discussions
21 and the governance thing on strategic directives, and I
22 will be bringing that up.

23 CHAIRPERSON MULÉ: Any other comments or
24 questions? I'll defer my comments then.

25 With that, let's proceed to the agenda, Howard.

1 DEPUTY DIRECTOR LEVENSON: Item 1 is
2 Consideration of the Grant Awards for the Farm and Ranch
3 Solid Waste Cleanup and Abatement Grant Program for 2006
4 and '07. And Wes Minderman will make that presentation.

5 CHAIRPERSON MULÉ: Good morning, Wes.

6 (Thereupon an overhead presentation was
7 presented as follows.)

8 SOLID WASTE CLEANUP PROGRAMS SECTION SUPERVISOR
9 MINDERMAN: Good morning, Ms. Peace and members of the
10 Board. I understand you have a full agenda this morning.

11 So Item B before you this morning is just
12 consideration of what staff feel are two relatively
13 straight forward grants under the -- I forgot the name of
14 the program. The Farm and Ranch Solid Waste Cleanup and
15 Abatement Grant Program for the second cycle of fiscal
16 year 2006-2007.

17 --o0o--

18 SOLID WASTE CLEANUP PROGRAMS SECTION SUPERVISOR
19 MINDERMAN: I just thought I'd put just some quick
20 information up there. There were some questions as we
21 were going through the item as to who we had awarded to
22 and how we had done the previous fiscal year with respect
23 to the program. So I just thought I would throw this
24 slide up there to indicate who the previous grantees were
25 and the amounts for fiscal year 2005-2006. And I just

1 wanted to indicate that not really for your information
2 today, but that we'll be putting this information in
3 future agenda item templates for the Board members'
4 reference as they review the items before them under the
5 Farm and Ranch Program.

6 --o0o--

7 SOLID WASTE CLEANUP PROGRAMS SECTION SUPERVISOR

8 MINDERMAN: With respect to the current fiscal year, you
9 can see in our first cycle we awarded three grants. The
10 grants indicated in yellow on this slide are the ones
11 under consideration today, one to the Yuba County Resource
12 Conservation District in the amount of \$13,078 for one
13 site, and one to Imperial County in the amount of \$71,710
14 for two site cleanups.

15 The grants have been reviewed by a committee of
16 staff and have been found eligible, and staff are
17 recommending approval of the grants this morning.

18 And that really just concludes my presentation,
19 except to say that, you know, each application as always
20 has indicated they will include efforts to prevent waste
21 from being redeposited. The efforts include site security
22 in the form of fencing, berms, gates, and also posting of
23 signs and increased surveillance. I just wanted to point
24 that out for your reference. But staff are recommending
25 that the Board adopt Resolution 2006-215 and approve the

1 grants. Thank you.

2 CHAIRPERSON MULÉ: Thank you, Wes.

3 Do we have any questions for Wes? Board Member
4 Peace.

5 COMMITTEE MEMBER PEACE: The site in the town of
6 Niland, is the only prevention measure they're putting in
7 place are dumping signs? Are they doing anything else?

8 SOLID WASTE CLEANUP PROGRAMS SECTION SUPERVISOR
9 MINDERMANN: I think that's what was proposed for the town
10 of Niland. They are going to be putting up no dumping
11 signs and no trespassing signs. I'm not sure the specific
12 reason on that unless the site for some reason can't be
13 fenced off or bermed off.

14 COMMITTEE MEMBER PEACE: Who's going to monitor
15 that to see if that is working?

16 SOLID WASTE CLEANUP PROGRAMS SECTION SUPERVISOR
17 MINDERMANN: Usually, that is the local enforcement
18 agency. So that would be our LEA down in Imperial County
19 who's been, as you can tell by the pervious slide, very
20 active in pursuing illegal dumping and enforcement and
21 cleanups in the county.

22 COMMITTEE MEMBER PEACE: And then the site in the
23 town of Brawley, it said they've already installed a gate.

24 SOLID WASTE CLEANUP PROGRAMS SECTION SUPERVISOR
25 MINDERMANN: That's correct.

1 COMMITTEE MEMBER PEACE: Has that been working?

2 Do we know if that's deterred any of the --

3 SOLID WASTE CLEANUP PROGRAMS SECTION SUPERVISOR

4 MINDERMAN: I don't know the answer to that question

5 right now. I can get that by the Board meeting. But I

6 would assume it has been somewhat effective in that

7 they've had no further dumping on this site.

8 COMMITTEE MEMBER PEACE: Have we ever cleaned up

9 any of these sites before?

10 SOLID WASTE CLEANUP PROGRAMS SECTION SUPERVISOR

11 MINDERMAN: No.

12 COMMITTEE MEMBER PEACE: This is not like the

13 second time we're cleaning up these sites?

14 SOLID WASTE CLEANUP PROGRAMS SECTION SUPERVISOR

15 MINDERMAN: No. Unfortunately, these are all new sites.

16 CHAIRPERSON MULÉ: They go from one site to

17 another.

18 COMMITTEE MEMBER PEACE: Clean up that one and

19 move somewhere else.

20 CHAIRPERSON MULÉ: Wes, I had a similar question

21 on Imperial County. We did award 112,000, and I was just

22 curious as to how that project is coming along.

23 SOLID WASTE CLEANUP PROGRAMS SECTION SUPERVISOR

24 MINDERMAN: You know, I don't know the answer to that.

25 CHAIRPERSON MULÉ: And you know, it's not that we

1 need this answer right now. But it would just be
2 interesting to get an update.

3 SOLID WASTE CLEANUP PROGRAMS SECTION SUPERVISOR

4 MINDERMAN: Sure. We can update that as part of our
5 presentation at the Board meeting.

6 CHAIRPERSON MULÉ: Great. Thank you.

7 Do we have any other questions?

8 Okay. With that, do I have a motion?

9 COMMITTEE MEMBER PEACE: I'd like to move
10 Resolution 2006-215.

11 CHAIRPERSON MULÉ: And I'll second that.

12 Donnell, would you call the roll?

13 EXECUTIVE ASSISTANT DUCLO: Members Peace?

14 COMMITTEE MEMBER PEACE: Aye.

15 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

16 CHAIRPERSON MULÉ: Aye.

17 We'll put that on fiscal consent.

18 Thanks, Wes.

19 DEPUTY DIRECTOR LEVENSON: We'll make a short
20 presentation at the Board meeting and include that updated
21 information.

22 CHAIRPERSON MULÉ: Thank you, Howard. Thanks,
23 Wes.

24 Next item is Committee Item C.

25 DEPUTY DIRECTOR LEVENSON: Committee Item C is

1 Consideration of a Revised Full Solid Waste Facilities
2 Permit for the City of Clovis Landfill in Fresno County.
3 And Virginia Rosales will be making this presentation.
4 And before she does that, I want to just make a couple
5 comments. First of all, to thank Virginia for stepping up
6 to do this. This was one of her counties. She's moved
7 over to a different section and branch in the Permitting
8 and Enforcement Division, but she's helping out to finish
9 up this particular permit.

10 I think you all are aware that this is a site
11 that has a long and complicated history. It involves a
12 long-term gas violation which was the subject of a state
13 audit, Bureau of State Audits report in 2000 and
14 subsequent Board regulations adopted after that. It also
15 has been a site that is -- was part of the LEA evaluation
16 that took place in the early 2000s. This was identified
17 as an issue. It has been identified as an issue before
18 that, but it was certainly identified in the LEA
19 evaluation. It was part of the LEA work plan subsequent
20 to that evaluation. And so we had been working with the
21 LEA and the operator both in terms of making sure that
22 there was compliance with the work plan on the part of the
23 LEA and trying to bring this site itself into compliance
24 through the revision of the permit and the establishment
25 of an additive gas control system.

1 It's been a long history. I know there may be
2 questions about that history, but I want to say we're glad
3 we're at this point today where we finally have gotten
4 this site in a much better situation than it was even
5 two years ago, let alone ten years ago.

6 So with that, I'll turn it over to Virginia.

7 CHAIRPERSON MULÉ: Good morning.

8 MS. ROSALES: Good morning, Madam Chair and
9 Committee, Board members.

10 The City of Clovis Landfill is located about
11 eight miles north of the city of Clovis. The landfill is
12 owned and operated by the City of Clovis. The facility is
13 not open to the public.

14 The proposed permit is to allow for the
15 following: Increase the facility boundary from 57 acres
16 to 210 acres; increase the waste footprint from 50 acres
17 to 76.6 acres; increase the vertical limit from 510 to 580
18 feet above mean sea level; increase the permitted tonnage
19 from 204 tons per day, averaged daily; 354 peak daily
20 tons; 4,700 maximum monthly tons; and 53,250 maximum
21 annual tonnage to 600 tons per day until 2010, and then to
22 2,000 tons per day; increase the traffic volume from 50
23 vehicles per day to 95 in-bound vehicles per day until
24 2010, and then to 148 vehicles per day; change the
25 estimated closure year from 2017 to 2047; increase the

1 hours from 8:00 a.m. to 4:30 p.m. Monday through Friday
2 including holidays, closed weekends, to 6:00 a.m. to 6:00
3 p.m. seven days per week; and then 6:00 a.m. to 10:30 p.m.
4 seven days per week for special maintenance and
5 construction activities. And then finally to continue the
6 landfill reconstruction project for the mining project.

7 The landfill has, as Howard indicated, a
8 long-term gas violation, but there is no imminent threats
9 to public health and safety and the environment. The gas
10 violation was first discovered during the process of
11 revising the permit in August 1996.

12 Since early 1997, the facility has been listed in
13 the inventory of facilities that violate State Minimum
14 Standards.

15 In 1998, the operator began the project of
16 removing waste from the unlined portion of the landfill as
17 a way to address the landfill gas migration and the ground
18 water degradation. Initially, the mining project had
19 positive affects and there was a reduction in the gas
20 levels. The mining project has continued under a series
21 of notice and orders issued by the LEA. In the future,
22 once all the waste is removed from the unlined cell, a
23 composite lined cell will be constructed and waste
24 disposal will continue in the new cell. The mining
25 project is anticipated to be completed in 2009.

1 However, the City concluded that the mining
2 project alone would not fully mitigate the landfill gas
3 migration. A passive gas control system was installed and
4 in operation in early 2005, but shortly thereafter again
5 they concluded that the system in conjunction with the
6 mining project would not fully mitigate the landfill gas
7 migration.

8 As of October 2006, an active gas control system
9 was installed and is in operation at the site. With the
10 start up of the flare, the gas levels have dropped, but
11 are still above the regulatory limits. The operator is
12 currently in compliance with the Notice and Order issued
13 by the LEA and has made significant progress towards
14 compliance in this past year. The requirement of the
15 Notice and Order was to install the gas control system in
16 October 2006.

17 During the pre-permit inspection last month,
18 Board staff in conjunction with the LEA noted two
19 violations: The gas violation and a permit violation.
20 The Board's long-term gas violation regulations went into
21 effect last December and allowed the Board to make a
22 finding of consistency with State Minimum Standards when
23 acting on a permit if nine specific findings can be made.
24 In January 2006, the Board acted on the John Smith road
25 landfill permit and made a finding of consistency with

1 State Minimum Standards thereby concurring in the issuance
2 of that permit.

3 Those nine findings are outlined in the agenda
4 item, and they can be made for the City of Clovis
5 Landfill. The permit violation will be corrected by the
6 issuance of the revised permit.

7 Board staff have determined that all the
8 requirements for the proposed permit have been satisfied.
9 Board staff recommends that the Board adopt Resolution
10 Number 2006-206 concurring with the issuance of the Solid
11 Waste Facilities Permit Number 10-AA-0004.

12 Here today to answer any questions you may have
13 are Tim Casagrande, Randy Reyes, Steve Crump representing
14 the Fresno County LEA, and Luke Serpa representing the
15 City of Clovis Public Utilities Department, the operator.

16 This concludes staff's presentation.

17 CHAIRPERSON MULÉ: Thank you, Virginia.

18 Do we have any questions for staff or for any of
19 the LEA or the operator? Board Member Peace.

20 COMMITTEE MEMBER PEACE: I have lots of
21 questions. I don't care who I ask them of, but I have
22 lots of them. I have lots of question. I don't know --

23 CHAIRPERSON MULÉ: Go ahead.

24 COMMITTEE MEMBER PEACE: We'll start with -- it
25 says there's 46 violations of State Minimum Standards and

1 45 permit violations just from '02 to '06. How many of
2 those were for daily cover and ADC?

3 MS. ROSALES: There were very few for the daily
4 cover and the ADC. Most of them were associated with the
5 gas violation.

6 COMMITTEE MEMBER PEACE: So the gas violations
7 can be State Minimum Standards violations and permit
8 violations?

9 MS. ROSALES: The permit violation was because of
10 the mining project that had continued on.

11 COMMITTEE MEMBER PEACE: Okay. So once they put
12 in the active gas system, that only took a year to do that
13 and now everything is under control?

14 MS. ROSALES: Well, the levels are still not
15 below the regulatory limits, but they are coming down.

16 COMMITTEE MEMBER PEACE: But they're under a
17 Notice and Order for ten years?

18 MS. ROSALES: They operated under a series of
19 Notice and Orders, yes.

20 COMMITTEE MEMBER PEACE: As I'm reading this, I'm
21 just fuming inside. Because there were greenhouse gases,
22 contribute to the climate change. For them to say they
23 don't have any adverse effect to the environment is
24 ridiculous. But when I'm reading this, it says that there
25 were -- too much gas was being, you know -- coming from

1 the landfill and that we had asked them to install a gas
2 system in 1998. And then they said, no, we're going to
3 take the stuff out of the landfill, mine it out, and put
4 it somewhere else. And our staff said, well, no. We
5 really don't like that, because there's too many unknowns
6 with the project. So then they decided after that then
7 they would just buy some property. So it wasn't within
8 the Board's power then to say, no, there's too many
9 unknowns, and you're going to put in a gas control system?
10 That wasn't under our authority to do that?

11 DEPUTY DIRECTOR LEVENSON: Member Peace, this is
12 symptomatic of the situations at landfills where you have
13 a long-term gas violation. It's a complex situation.
14 There's not an exact science for how to determine ahead of
15 time what's the best system for solving a problem. So the
16 City started by trying to institute and complete this
17 reclamation project. Ultimately, that was not successful.
18 They looked at a passive system, a trenching system, that
19 didn't work and finally got to the point of installing an
20 active system.

21 Could any of the parties involved made these
22 decisions earlier? I think yes. We all could have
23 perhaps gotten to that point sooner.

24 At this point, I'm not sure how to redress that
25 other than saying that we have been engaged in very

1 intensive discussions with the City and the LEA over the
2 last several years trying to move towards this active
3 system. It has been installed. As Virginia indicated
4 compliance, the gas levels are coming down. And it's
5 something that will take some time, you know, after the
6 system was in. And we expected to be in compliance with
7 the State minimum standard in the near future.

8 COMMITTEE MEMBER PEACE: I guess when I read
9 this, like I said, it makes me fume. It took ten years.
10 First they decided they'd do a reclamation. That didn't
11 work. Then they're going to buy the surrounding property.
12 And that didn't work. Then they're going to put in a
13 passive gas control system, and that doesn't work. For
14 ten years. And then all of a sudden we'll put in an
15 active gas control system in one year.

16 DEPUTY DIRECTOR LEVENSON: And if there had been
17 an imminent public health and safety threat, this
18 situation would have been very different. And I think
19 either we or some other party would have taken a more
20 direct action.

21 They were continually evaluating this situation
22 and taking steps. I think in hindsight we can say that
23 some things should have been stopped earlier and moved
24 on to other phases earlier.

25 COMMITTEE MEMBER PEACE: Because ten years is a

1 little long. I guess that's what I'm upset about. Are
2 these some of the things that are going to be discussed at
3 the workshop this afternoon or --

4 DEPUTY DIRECTOR LEVENSON: No. The workshop
5 isn't about the long-term gas violations. The workshop
6 this afternoon is on the application of existing landfill
7 gas monitoring regulations or requirements for closed
8 landfills to have the same requirements for active
9 landfills, regardless of whether there's a long-term
10 violation or not.

11 COMMITTEE MEMBER PEACE: Okay.

12 CHAIRPERSON MULÉ: Are there any other questions
13 for staff?

14 I guess I just have one question. I mean, I too
15 share Board Member Peace's frustration with this
16 particular situation. There's a number of issues that
17 come to my mind. But I just have a quick question for the
18 operator and the LEA, is when I read through this item, it
19 was my understanding that the mining of the unlined cell
20 was a two-year pilot. And I guess my question is why was
21 it continued -- allowed to continue for up until now? So
22 I mean, when you look at it, the mining started, what,
23 '97, '98. Here we are in 2006. So if someone wants to
24 come up and answer that, I would appreciate it. Thank
25 you.

1 MR. SERPA: My name is Luke Serpa. I'm the
2 Assistant Public Utilities Director for the City of
3 Clovis. I've been there about a year and a half. I'm
4 about the most senior management person involved in this
5 project. So we've had a bit of a turnover.

6 The mining project was implemented to address the
7 gas issue, but also for other measures as well. The
8 general goal is to dig up all the old unlined landfill,
9 sort the waste, bury the waste on top of a composite
10 liner, then reline this area with a composite liner.

11 My predecessors, looking at the data -- and they
12 thought that was going to address the entire gas issue and
13 mitigate it all. It did at first, but as time went on,
14 the gas came back largely because the soil we were
15 separating out was still generating gas. That was
16 unforeseen.

17 Had they known then what we know now, they may
18 not have proceeded. But they probably still would have
19 proceeded with the mining project. I still think it's a
20 good project. The end result of this reclamation project
21 is we will have all the waste on a liner. I don't think
22 that's anything we're going to regret ten years from now.
23 It has taken longer. There was more waste there than we
24 thought. Production was not able to keep up with the
25 pilot study. The production rates we identified during

1 the pilot study we were not able to sustain once we
2 started production. The project has taken longer than
3 anticipated.

4 It hasn't mitigated all of the impacts we hoped
5 it would, but it is still a worthwhile project. It has
6 mitigated groundwater impacts. As a result, we will have
7 all of our waste on the liner when the site closes, which
8 I think makes us all rest a little better.

9 I understand your frustration at the time. I
10 think there has been a big turn around. Like I said, I've
11 been there a year and a half, and we have definitely
12 accelerated things. And I would hope that at least you
13 would take that into consideration, that this is the way
14 we're going to be moving forward here. We have installed
15 the gas system. We actually started the installation
16 process before the time line and the NOA required it,
17 because we saw it was going to be necessary. We
18 fast-tracked it. We did everything possible to get it in
19 and operational as soon as possible. We've permitted with
20 the Air Board for additional expansion capability so that
21 as we see needs to adjust this system to address problem
22 areas, or as the landfill grows, we can do it without
23 going back to the Air Board for a permit.

24 Yes, there is a long history of compliance issues
25 here. If my predecessors had known then what we know now,

1 they probably would have done things differently. We know
2 where we're at now. We're moving forward from here, and
3 we plan to continue to do so.

4 CHAIRPERSON MULÉ: Thank you. I appreciate you
5 being here. I appreciate the LEA being here as well. I
6 appreciate your answer. It just sounds like it was one of
7 those situations where all I can say is I'm glad you're
8 there, because it seems like now things are on the right
9 track and you are doing all the right things and getting
10 the proper permits for the proper operation of this
11 facility. So I appreciate that. Thank you.

12 Any other questions?

13 BOARD MEMBER DANZINGER: Yeah.

14 CHAIRPERSON MULÉ: Board Member Danzinger.

15 BOARD MEMBER DANZINGER: I want to get a little
16 clearer on the time line. I know we can't be scientific
17 about this or precise. But when do we expect the gas to
18 be under control? I mean, I think you said near future or
19 something like that. Just curious what kind of time line
20 we're looking at.

21 BRANCH MANAGER DE BIE: If I may, as the operator
22 steps up again. Mark de Bie, Permitting and Inspection.

23 During the pre-permit inspection, there was some
24 assessment of the wells. And staff's observation
25 indicated that the readings we were finding was very

1 optimistic in that that system in place was very effective
2 and very optimistic about compliance being achieved in the
3 near future. It's a complicated site. Lots of different
4 factors. So we'll see how all those play out. But I'm
5 sure the operator can give you his point of view.

6 BOARD MEMBER DANZINGER: Thank you.

7 MR. SERPA: As Mark has indicated, we've only had
8 the system up and running for about six weeks, and we've
9 already seen some of the wells go to zero. There's still
10 others that have not dropped down to compliance levels.
11 There's some that are moving slowly, some that haven't
12 started to move yet. This is because of the geology and
13 the hydrogeology of the site, it's not going to be an easy
14 fix, but that's part of the reason we permitted additional
15 wells from the Air Board so that if we see areas that
16 aren't responding the way we'd like, we can quickly go in
17 and add another well without going back to the Air Board
18 to address problem areas.

19 As far as time line, I don't want to commit
20 months or whatever, but we are seeing some serious
21 progress. We've seen wells drop from 60 to 70 percent
22 down to zero in six weeks. We've seen a few wells that
23 haven't moved. So the system is working. Fine tuning it
24 is going to be a process that takes some time. And I'm
25 hesitant to give you a time.

1 BOARD MEMBER DANZINGER: I don't want to hold you
2 to anything. I don't know what near future means. Does
3 that mean by the end of the first stage? This permit is
4 like this two stage, you know, where it goes to a certain
5 tonnage until 2012 and then it ramps up dramatically until
6 the anticipated closure date. So I mean --

7 MR. SERPA: I would hope we are in compliance
8 well before that first phase in. I mean, I'm thinking
9 this coming calendar year. That's my gut instinct. We're
10 going to prosecute this until we achieve the desired
11 results at this point.

12 BOARD MEMBER DANZINGER: Okay. Thanks.

13 CHAIRPERSON MULÉ: Okay. Thank you very much.

14 Do I have a motion?

15 COMMITTEE MEMBER PEACE: As much as this thing
16 frustrated me and I wish that the City would have asked
17 for an active gas control system ten years ago, I'm glad
18 it is finally under control. So as much as this pains me,
19 I'm going to move Resolution Number 2006-206.

20 CHAIRPERSON MULÉ: I'll second that.

21 Donnell, please call the roll.

22 EXECUTIVE ASSISTANT DUCLO: Members Peace?

23 COMMITTEE MEMBER PEACE: Aye.

24 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

25 CHAIRPERSON MULÉ: Aye.

1 And we will put that one on consent as well.

2 Our next item is Committee Item D, Board Agenda
3 Item 3, Howard.

4 DEPUTY DIRECTOR LEVENSON: This item is
5 Consideration of a New Full Solid Waste Facilities Permit
6 for the Enertech Environmental California, LLC, in San
7 Bernardino County. And Dianne Ohiosumna will give this
8 presentation.

9 I think what -- we understand there are some
10 questions about some of the policy implications around
11 this kind of situation involving biosolids processing.
12 And so what I've asked Dianne to do is give the
13 presentation on the permit itself for your consideration.
14 And then if you have questions about some of the policy
15 implications, either Elliot or myself or Mark can try to
16 address those.

17 CHAIRPERSON MULÉ: Okay. Go ahead. Thank you.

18 MS. OHIOSUMNA: Good morning.

19 The proposed permit will allow the operator to
20 operate a large volume transfer/processing facility. It
21 will allow them to receive a maximum of 864 wet tons
22 daily, a maximum of 66 vehicles a day, and operate 24
23 hours a day, seven days a week, 365 days a year.

24 Board staff find that the LEA has made all the
25 necessary findings relevant to the permit. At the time

1 this item was prepared, Board staff had determined all but
2 two of the requirements for the proposed permit. Now
3 Board staff has made all of the required findings,
4 including the finding that the transfer/processing report
5 will allow the facility to comply with the State Minimum
6 Standards.

7 Board staff recommends that Board adopt Solid
8 Waste Facility Permit Decision Number 2006-209 concurring
9 with the issuance of Solid Waste Facility Permit Number
10 36-AA-0446.

11 Representatives from the San Bernardino County
12 LEA are here, and the operator is also here. That
13 concludes staff's presentation.

14 CHAIRPERSON MULÉ: Thanks, Dianne.

15 Do we have any questions for staff?

16 COMMITTEE MEMBER PEACE: The only question I have
17 for staff is that this was revised. Revised permit was
18 received on November 6th and again this last week. And I
19 want to make sure that our staff feels that they had
20 adequate time to review this.

21 DEPUTY DIRECTOR LEVENSON: We have had adequate
22 time, Ms. Peace. And some of the reasons for the revision
23 were our questions back to the LEA and the operator about
24 some of the tonnage figures and trying to understand the
25 relationship between the wet tons coming forth and what

1 the peak and average limits would be. So yes, thank you
2 for asking that. And we have had adequate time. Thank
3 you.

4 COMMITTEE MEMBER PEACE: I have some other
5 questions just in general, like where are the biosolids
6 going now? And I don't know who is best to answer those.

7 MS. OHIOSUMNA: I'll ask the operator to come up
8 and answer that question.

9 MR. MILLER: Rus Miller with Enertech
10 Environmental. Sorry for the rough voice.

11 Biosolids today are handled in a variety of
12 methods. They are going to -- some go to landfills that
13 are appropriately lined and monitored. Some are going to
14 Kern County. That's getting a lot of press in some cases
15 where it's land applied, and farms that are especially
16 dedicated to using material and farming operations where
17 there's no contact with human food. Some are hauled to
18 Arizona for land applications on farming operations as
19 well. Some of that's turned into composting. That's
20 become more difficult in the L.A. basin because of air
21 quality issues.

22 There's very limited market for compost. So
23 that's not -- can't clear very much volume that way.
24 Those are the three main methods. There is some very
25 small quantity that is going to Mitsubishi Cement in

1 Lucerne near Victorville where it's burned in conjunction
2 with their 400, 500 tons a day of coal.

3 COMMITTEE MEMBER PEACE: Are there other biosolid
4 processing facilities like yours?

5 MR. MILLER: There's a two-ton per day
6 demonstration unit in Atlanta.

7 COMMITTEE MEMBER PEACE: But this is the first
8 one in California?

9 MR. MILLER: This is the first one. There was a
10 few of the technologies that are similar around the world.
11 But ours is patented and has a slight different approach
12 to doing it. This will be the first full-size one.

13 COMMITTEE MEMBER PEACE: Will the facility be
14 required to get an Air Board permit?

15 MR. MILLER: We have all of our Air Board
16 permits. We have our water quality management permit.

17 COMMITTEE MEMBER PEACE: You already have all of
18 them?

19 MR. MILLER: This is the last one.

20 COMMITTEE MEMBER PEACE: Great. After your
21 process, is there a residual left?

22 MR. MILLER: We segregate the biosolids received
23 into its dry component, water component, gas component.
24 We destroy the gas in an RTO. We take the water and give
25 it back to the waste water treatment plant that we're

1 adjacent to, the city of Rialto, and they turn it into
2 water that's suitable to go into the Santa Ana River.
3 Then the solid material that is dry is going to Mitsubishi
4 Cement. That's our agreement right now. They'll use it
5 to displace coal that's railed in.

6 COMMITTEE MEMBER PEACE: So the e-fuel that you
7 produce is used by cement kilns. Can it be used in any
8 other type of a --

9 MR. MILLER: Oh, absolutely. Part of my prior
10 experience is in biomass power plants. And because we're
11 a renewable fuel in accordance the California Energy
12 Commission determination, we can burn at any solid fuel
13 power plant. There are not very many solid fuel power
14 plants in the state of California, but the ones that are
15 closest to us are the proper design to burn this material
16 and, you know, capture the ash and for other purposes.

17 COMMITTEE MEMBER PEACE: Thank you.

18 CHAIRPERSON MULÉ: Any other questions?

19 BOARD MEMBER BROWN: No, but thank you for all
20 the information. It's a great project.

21 MR. MILLER: You're very welcome.

22 CHAIRPERSON MULÉ: Okay. I do want to make a
23 comment here, because when I've reviewed this item, I just
24 had the fundamental question of whether or not this should
25 even be coming to the Board for a permit. Based upon my

1 interpretation of statute section -- I think it's
2 4200(b)(2). It says a transfer/processing station where
3 the wastes are received, processed, but not intended for
4 disposal are exempt from our regulations. So I know that
5 I've had discussions with our legal counsel as well as our
6 staff about this, and I guess my main concern is as we are
7 looking to new and alternative technologies to address our
8 waste disposal needs and also our energy needs, I mean,
9 the lines on permitting seem to be coming blurred. So at
10 some point. I know we're going to need to re-examine our
11 regulations and have the larger discussion on the purview
12 of our authority for these types of facilities.

13 But Elliot, maybe you can shed some light on how
14 you and staff came to the conclusion that this particular
15 facility should be permitted by the Board.

16 STAFF COUNSEL BLOCK: Sure. Let me take a quick
17 shot. And if there are any particular facts that are
18 relevant, Howard and Mark can chime in certainly.

19 But just in terms of the way the statutes and
20 regs apply to this facility as you correctly cited, we
21 have a statute, Public Resources Code Section 40200(b)(2),
22 that we sometimes refer to as an exception for recycling.
23 That particular statute years ago we recognize was fairly
24 subjective and difficult to figure out exactly when it did
25 or didn't apply. So some ten plus years ago we developed

1 what was originally called the two-part test for
2 determining what was recycling and what was out of our
3 jurisdiction. A couple years later, that was further
4 refined after some issues came up and is now the
5 three-part test. And the third part is the part that
6 involves if a facility is handling material that is
7 putrescible, at least one percent of the material that is
8 coming to it is putrescible.

9 In this particular case, because we're dealing
10 with biosolids which is identified in statute as solid
11 waste and is in fact putrescible, that's how it ends up
12 within our purview. I think as we have discussed, that
13 three-part test is a creature of regulations. And it's
14 always within the purview of the Board to go back and have
15 us take a look at that and see if those lines need to be
16 adjusted, tweaked, revised, that sort of thing.

17 As you sit here today with this particular permit
18 in front of you, it does fit squarely within those
19 regulations. Your decision today wouldn't prohibit the
20 Board down the road if it looks at these issues from
21 revising how that looks and making different decisions
22 down the road. This is -- as we all know, the diversion
23 area is pretty dynamic. And it seems like every month
24 there's a new process that comes through. So that's
25 certainly within your purview.

1 I don't know if you guys wanted to add anything.

2 DEPUTY DIRECTOR LEVENSON: Yeah. I wouldn't add
3 anything other than to point out that the rationale for
4 this placement of this permit as a processing facility is
5 included in the agenda item on page 3 -- can't read
6 without my glasses -- where it does cite the fact that the
7 biosolids are a solid waste and discusses the three-part
8 test as the way to implement that 40200. So for purposes
9 of this permit, staff is very comfortable in this
10 approach. If it's your desire as the sense of the
11 Committee or the Board that you would like us to look at
12 this issue as a policy item, we'd be happy to start
13 exploring that.

14 CHAIRPERSON MULE: I don't know that we're ready
15 to direct you to do that today, Howard. But again, I just
16 feel that we're going to have to look at this as these new
17 technologies come on line. Because you know again, I look
18 at this -- this is not intended for disposal. Whereas, we
19 do not regulate POTWs, and that is intended for disposal.
20 And we're not involved with that regulatory process. So
21 again, there's some conflicts out there, and we're going
22 to need to have these larger issue discussions, policy
23 discussions, and come to some resolution.

24 We do have a speaker, Mr. Arthur Boone. Please
25 state your name for the record.

1 MR. BOONE: Name is Arthur Boone from Oakland.

2 I was involved in a number of squabbles with the
3 legal staff back in the earlier part of the '90s. I think
4 it's valuable just to have a little background on this.
5 There's people in the audience who can correct me if I
6 make a mistake.

7 At the point that we originally required permits
8 from transfer stations, the recycling community came and
9 said and put that section in the law the next year. The
10 ISRI people were responsible for it I think. Basically
11 said if the principle purpose of a facility is not to deal
12 with solid waste that it should be exempt from regulation.
13 I think that's really the test.

14 Staff in early '90s tried to come through with a
15 lot of stuff about 10 percent residue and all that stuff.
16 And I think that was never the purpose of the law. I
17 think you're on a good track there in trying to keep the
18 regulations out of what are essentially separated
19 materials destined for other ends other than disposal. I
20 appreciate that. Thank you.

21 CHAIRPERSON MULÉ: Thank you, Mr. Boone.

22 Are there any other questions or comments? Do I
23 have a motion?

24 COMMITTEE MEMBER PEACE: No. I just want to say
25 here we're taking a solid waste and making a renewable

1 fuel out of it. Sounds like a conversion technology to
2 me, and I think it's wonderful, personally.

3 But biosolids are a solid waste. And I think
4 biosolids as they come into this facility could pose a
5 threat to the public health and safety if they're not
6 properly handled. So that's why I feel real good this
7 permit is here before our Board so we know they will have
8 some oversight on what is going into the facility. And
9 I'm very glad to hear they have their air permit and their
10 water permit. So this should be a well regulated facility
11 that should be protecting that, should have no problem,
12 you know, protecting the public health, safety, and the
13 environment. I think that's what we are here to do. I
14 think this is great. And I would like to move Resolution
15 2006-209 Revised.

16 CHAIRPERSON MULÉ: I'll second that.

17 Donnell, call the roll.

18 EXECUTIVE ASSISTANT DUCLO: Members Peace?

19 COMMITTEE MEMBER PEACE: Aye.

20 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

21 CHAIRPERSON MULÉ: Aye.

22 We'll put that one on consent.

23 And our final item of the day is Committee Item
24 E, Howard.

25 DEPUTY DIRECTOR LEVENSON: Thank you, Madam

1 Chair.

2 This item is Consideration of a Revised Full
3 Solid Waste Facilities Permit for Potrero Hills Landfill
4 in Solano County. Christy Karl will be making this
5 presentation. So we'll just jump right into it.

6 MS. KARL: Good morning, Madam Chair and members
7 of the Committee. The item before you considers a revised
8 full solid waste facilities permit for Potrero Hills
9 Landfill in Solano County, which is owned and operated by
10 the Potrero Hills Landfill, Incorporated, a subsidiary of
11 Republic Services.

12 The operator is proposing to make the following
13 changes to the landfill operations:

14 To count for purposes of the permitted tonnage
15 limit only the waste materials that are disposed. This
16 will continue to be 3,400 tons per day averaged over any
17 seven days and a peak of 4,330 tons per day; to limit the
18 acceptance of biosolids over 50 percent moisture to 250
19 tons per day averaged over seven days. This is inclusive
20 of the total disposed material limits.

21 To change the hours of operation from 4:00 a.m.
22 to 1:00 a.m. seven days a week to 24 hours a day, Monday
23 through Friday, and 20 days hours a day Saturday and
24 Sunday. And the site will be closed from 12:00 a.m. to
25 4:00 a.m.

1 The hours the site is open to the public are not
2 changing.

3 All three of these changes were fully described
4 and analyzed in the environmental impact report for the
5 project.

6 Staff has made all of the findings necessary for
7 concurrence in the permit. However, litter violations
8 were noted during the pre-permit inspections in October
9 and November. Off-site litter was noted on the property
10 that the operator has indicated they cannot access.

11 The operator has demonstrated a good faith effort
12 to address litter migration issues and is discussing
13 further litter control options with the LEA and may be
14 able to provide an update on these efforts today.
15 Therefore, staff finds that operator meets the
16 requirements of the litter standard and recommends
17 concurrence in the proposed permit. Staff will update the
18 agenda item in time for the Board meeting on Thursday.
19 And this concludes my presentation.

20 The LEA and operator are both present if you have
21 any questions.

22 CHAIRPERSON MULÉ: Thank you, Christy.

23 We have several speakers. So I'm going to ask
24 everyone to -- I'll call your name. I'm going to ask if
25 you could please limit your comments to five minutes. Our

1 first --

2 DEPUTY DIRECTOR LEVENSON: Excuse my, Madam
3 Chair. I'm sorry to interrupt. Before you get to the
4 speakers, if we could add a little bit more to the staff
5 presentation from Mr. de Bie.

6 CHAIRPERSON MULÉ: Sure.

7 BRANCH MANAGER DE BIE: Thank you, Mark de Bie
8 with Permitting and Inspection.

9 Relative to the violation on litter, as Christy
10 indicated, there's discussions ongoing between the
11 operator and the LEA relative to some proactive measures
12 they could do to prevent litter in the future, which are
13 factoring into Board staff's determination relative to the
14 current state of compliance. And I understand the
15 operator is going to be on the list to make presentations,
16 and so I would like to reserve staff's final determination
17 relative to the litter compliance until after the operator
18 indicates the status of those conversations.

19 CHAIRPERSON MULÉ: Okay. That sounds fine.
20 Good.

21 Okay. Our first speaker is Dwight Acey.

22 MR. ACEY: Sometimes it's not --

23 CHAIRPERSON MULÉ: Please state your name for the
24 record.

25 MR. ACEY: My name is Dwight Acey. Sometimes

1 it's not good to have a last name that begins with A. I'm
2 with Citizens Against the Dump Expansion. I along with my
3 neighbors live within two miles of this expansion.

4 I'm going to read a statement, and then I'll give
5 you a copy of it.

6 As citizens who are at grave risk to any
7 environmental impacts, we feel it is important for the
8 public and the California Integrated Waste Management
9 Board to be aware of the compliance history of the Potrero
10 Hills Landfill.

11 According to the agenda item, the Board last
12 approved a solid waste facilities permit for the Potrero
13 Hills super-garbage dump, which it's known as in my
14 neighborhood, in December of 1996. The agenda item lists
15 the compliance history for the last five years, 2002
16 through 2006.

17 We request that your staff be directed to provide
18 a review of the compliance history, including any State
19 Minimum Standards and permit violations so that the public
20 and Board members have a complete picture of the
21 landfill's compliance history prior to the Board making
22 its upcoming decision.

23 According to the agenda item on page 1, the local
24 enforcement agency submitted a proposed permit on October
25 20th of 2006. We would like to ask if they -- we'd like

1 to ask, have there been any changes to the proposed permit
2 since it was submitted to the Board? If so, what changes
3 have been made?

4 At the last Permitting and Enforcement meeting
5 that we attended in Fairfield, your staff summarized the
6 results of their pre-permit inspection. However, none of
7 the photos were shown. The public would like to see the
8 photos for the inspection that were conducted on September
9 20th of 2006, as well as those of most recent
10 inspections -- the most recent inspection on September
11 25th. We request they be included in your record. We
12 also would like to know what kind of sludge is approved
13 for alternate daily cover. For example, is it a Class A
14 biosolid or industrial sludge, et cetera. How much ADC
15 can be used at the Potrero Hills Landfill on a yearly
16 basis.

17 The biosolids matter is something that deeply
18 troubles us since we live so close to it, and we live in a
19 very windy city.

20 I was distressed by a situation with a neighbor
21 who I met at the public library who I've seen from --
22 actually, I've known him for many years. And I see him
23 every so many months, he and his son usually around the
24 mall area, his twelve-year-old son. He told me a week ago
25 that he was just in anguish and incredible emotional pain

1 because he had to take his son to the hospital because he
2 was suffering from shortness of breath. He took him to
3 Fairfield, and they said that they didn't think there was
4 anything major wrong with him other than he needed to take
5 his spacer because he has asthma.

6 Two days later, the boy came to him in early
7 morning and said, "I'm having trouble breathing, Dad." He
8 passed out in the kitchen. His dad rushed him to the
9 nearest hospital, which is Travis, which is right across
10 the road from the landfill. When he arrived there, the
11 doctor told him, "There's nothing I can do for him. He's
12 dead."

13 Our county has the highest asthma rate of any
14 county in the state of California. And that was very
15 troubling to me. It was very painful to me.

16 Our group has struggled against this landfill
17 expansion for two years. We've given up time from work
18 and other activities. We've given up our own personal
19 money for this. And we were hoping to stop this before
20 now. We slowed it down a little bit it seems, but we
21 haven't stopped it. And we realize that all we can do is
22 raise the concerns and the warnings of what is ahead in
23 the future.

24 They're talking here about expanding from 23
25 million cubic yards to 83 million cubic yards in the BCDC

1 permit. They want to be open in this particular permit
2 for 24 hours. They're changing a lot of what's going on
3 at this landfill. It's going to impact not only the
4 species in the marsh, but it's going to impact us. It's
5 going to impact our children. And I don't know how much
6 more we can take of this.

7 You know, again, it's very hurtful to me to hear
8 a twelve-year-old child is dead. I'm not saying the
9 landfill caused that. But what I am saying is that we are
10 importing garbage from 150 miles. And that garbage and
11 that daily sewage sludge will have and continue to have a
12 worsening and more aggravating effect as time goes on.

13 With that, I want to thank you for an opportunity
14 to speak on behalf of the citizens and the residents near
15 the landfill.

16 CHAIRPERSON MULE: Thank you, Mr. Acey.

17 Our next speaker is George Guynn.

18 BOARD MEMBER DANZINGER: Could I ask a quick
19 question just of the Committee and the staff? At the
20 beginning of Mr. Acey's comments, he referenced permit
21 expansion, an expansion of the landfill. The Committee is
22 not being asked to consider a permit that constitutes an
23 expansion of this facility, is it? It's our definition of
24 what is waste coming in; right?

25 DEPUTY DIRECTOR LEVENSON: That's correct,

1 Mr. Danzinger. The proposed permit deals with the tonnage
2 limits per day and the hours of operation. There's no
3 lateral or vertical expansion that is included in this
4 particular permit.

5 BOARD MEMBER DANZINGER: Okay. I'm just
6 suggesting that, you know, yeah, that will be an issue at
7 which time whenever it comes to the Board. It might be a
8 different story. But for today to keep, you know, honesty
9 and candor and consistency, I think it would be best if
10 people did not keep coming up talking about an expansion
11 of this landfill, because that's not what's being
12 deliberated on today.

13 CHAIRPERSON MULÉ: Thank you, Board Member
14 Danzinger.

15 Go ahead, sir.

16 MR. GUYNN: Good morning, Madam Chairman and
17 Board members. My name is George Guynn, Jr. I'm a
18 20-plus resident of Suisun City. I live about three miles
19 from the landfill.

20 You may not call it a strict expansion, but when
21 you increase the hours and you ignore counting certain
22 types of dumping that were counted before, from a
23 layperson's point of view, it certainly is an increase.
24 It's certainly going to be an increase of the traffic
25 that's going down Highway 12.

1 So I picture last night of a garbage truck that
2 lost the rear wheels. It was an 18-wheeler. It had a
3 container type load on the trailer that I guess was just
4 coming from the dump. Any time that you increase the
5 activity, you increase the chances of having some sort of
6 accident. And if you lose the rear axle of the trailer --
7 this time there wasn't an overturnage or extreme damage,
8 but you're increasing your chances of having that sort of
9 thing the more activity you have. And this is one problem
10 with the changes that are being considered with the
11 permit.

12 Another part is the plastic bags and other stuff
13 that comes off of the trucks. I personally have seen up
14 to ten bags come off a truck at one time which I reported.
15 The landfill has had 20 years to do something about
16 eliminating this problem, and they still haven't done it.
17 How many more years do they need? Do they need two or
18 three lifetimes to resolve the problem? It seems to me
19 that picking up the problem is not a solution. The
20 solution is don't have the litter problem in the first
21 place. And if they can't do that, then maybe they don't
22 need the permit until they can resolve the problem.

23 Also going to the 24 hours is going to have an
24 impact in my belief on the marsh, how again animals sleep
25 if there's going to be lights going all the time. Also

1 what about the ground water? I'm sure there must be some
2 leakage from at least the early part of the landfill,
3 because there wasn't even a liner in that. I believe
4 there's been some leakage from liner that was later
5 installed. Until those kinds of problems are resolved,
6 again, I don't think they should be granted a permit.
7 There's just a ton of issues that the landfill has had
8 plenty of time to address. And they're still saying give
9 us a little bit more time or just don't worry about this.
10 We'll take care of it.

11 I think that if Board Member Peace was worried
12 about ten years for this other organization, that you're
13 really going to be dismayed with 20 years. That's
14 ridiculous. They should have addressed these problems a
15 long time ago. And I'm really perplexed that something
16 hasn't been done about it already.

17 Thank you very much for letting me speak. Thank
18 you.

19 CHAIRPERSON MULÉ: Thank you, Mr. Guynn.

20 Our next speaker is June Guidotti.

21 MR. GUIDOTTI: Margo Reid Brown and Board
22 members, as you know, I'm June Guidotti. And I reside at
23 3703 Scally Road in Suisun, California. My family owns
24 152 acres which is buffer within the secondary Suisun
25 Marsh, and our land is zoned for agriculture use.

1 The land has been in my family for 90 years. We
2 are the closest residents to both the closed Solano
3 Garbage Company and existing Phase I Potrero Hills
4 Landfill.

5 I have a few questions on my procedures for the
6 Committee and for the Board members, and then I will
7 provide you with my requests, comments, and questions.

8 Meeting questions:

9 Will testimonies be allowed at both the
10 Permitting and Enforcement Committee meeting on December
11 4th as well as the Board meeting on December 7th, 2006?

12 Will the public be allowed to submit additional
13 written comments prior to the December 7th, 2006, Board
14 meeting?

15 As Pat Wiggins was elected to the State
16 Legislature, is she still a member of the Board?

17 If she's no longer a member of the Board, how
18 does that effect the voting of the Committee as well as
19 the Board?

20 If there are five Board members, how many votes
21 are needed to approve or deny the proposed permit?

22 Do you expect this item to be voted on on
23 December 7th, 2006, at the Board meeting?

24 Requests:

25 After several trips to your facility file room

1 and to review public records and several attempts to
2 review the documents provided to me by the County, it
3 appears many changes have been made to the 1.5 project
4 that was considered at the October 10th, 2006, Permitting
5 and Enforcement Committee meeting. As most of us in the
6 public, we are not engineers or solid waste professionals.
7 It would be helpful if your staff and the LEA and the
8 operators summarized the major revisions that have been
9 made in the proposed permit and the joint technical
10 document under the closure and postclosure maintenance
11 plan since the previous Committee meeting.

12 I have questions on the proposed permit, the
13 agenda item, the Resolution, in addition to the verbal
14 answers I received at the Committee meeting. I request a
15 written response from the Board to each of the following
16 questions, as the notes on the top of your meeting
17 transcripts states they are not approved by accuracy.

18 Proposed permit. Please verify that the landfill
19 will not be open 24 hours per day and will continue to
20 record tonnage figures per the 1996 permit requirements
21 until the landfill operator receives all the regulatory
22 approvals from BCDC, Regional Water Quality Board, the Air
23 District, Corps of Engineers, Fish and Wildlife, and then
24 other regulatory agencies as conditional in the proposed
25 permit.

1 The LEA has previously indicated to BCDC that the
2 proposed permit has this condition. The proposed permit
3 set a disposable limit for tonnage that exceeded 50
4 percent moisture. This is a new requirement not found in
5 the 1996 permit. The proposed limit is 250 tons per day.

6 How much moisture content sludge has been
7 disposed of in the landfill in the past five years?

8 How was the limit of 250 tons per day decided?

9 How will the operator monitor an incoming load of
10 sludge to determine whether or not the sludge is less than
11 or more than 50 percent moisture?

12 Has the Regional Water Quality Board reviewed and
13 commented on the 250 tons per day?

14 And is the landfill permitted by the Regional
15 Board to accept liquid waste?

16 Section 16, self-monitoring item number 6 reads
17 as follows: "Log nuisance complaints including the time,
18 source, name of the company, commercial source, type of
19 feedstock. Nuisance condition, i.e., odorous, wind-blown
20 litter, others. Final disposition of loads, i.e.,
21 disposal of odorless, rejected, et cetera.

22 Questions and comments:

23 What is meant by feedstock?

24 Should this be changed to the type of waste?

25 In addition, this monitoring condition appears to

1 mix nuisance complaints with receipt of unacceptable
2 loads. Clarification and separate monitoring conditions
3 should be identified for each within the permit.

4 In the log of nuisance complaint identified in
5 Section 16, self-monitoring, Item Number 6, a different
6 log than the log of special unusual occurrence requirement
7 of Title 27 CCR 2005 10(c) Section 17a.5.

8 Agenda item. In the agenda item, one, it states
9 that the LEA submitted a proposed permit on October 26th,
10 2006. It is my understanding that this proposed permit
11 has been revised several times since October 26th, 2006.
12 When was the proposed permit in the agenda item received
13 by the Board, as it's not stamped?

14 Resolution 2006 2-16 question: The Resolution
15 states the operator submitted an amended application for a
16 revised solid waste facility permit to the LEA on October
17 26th, 2006. When did the Board receive an amended
18 application?

19 By amending the application, does this mean an
20 amended application or an amended application package?

21 Please add the date of the receipt of the
22 proposed permit to the Board's Resolution and whereas
23 paragraph number three.

24 Will the Board be certifying the 2005 final EIRs
25 house number 2006-032112 that was previously certified by

1 the Solano County Board of Supervisors for the Solano
2 County use permit and marsh developer permit on September
3 13, 2005?

4 The Resolution states the Board staff has
5 evaluated the proposed permit and application packet for
6 consistency with the standards adopted by the Board. The
7 Resolution is missing the whereas find that and usual
8 follows the staff evaluation, whether the Board finds that
9 the facility does or does not meet the State Minimum
10 Standards. This finding should be added to the
11 Resolution.

12 Litter. Litter is routinely visible apparent on
13 all property surrounding the landfill, including Highway
14 12, a scenic highway. The litter creates an adverse
15 aesthetic impact to the Suisun Marsh. The Suisun Marsh
16 Preservation Act does not allow the approval of a project
17 that creates an adverse aesthetic and ecological impact to
18 wildlife and habitat of the marsh. Unfortunately, so far
19 there has been limits politically during the CEQA process
20 to allow the marsh -- to follow the Marsh Protection Act.

21 I have stated to the Board years ago as well as
22 recently that litter on my fence and on my property has
23 been an ongoing nuisance from the landfill. Historically,
24 as the working face has moved, litter has followed onto my
25 property. Litter has also increased over the years since

1 recycling operations were added to the landfill.

2 Currently, litter on the south portion of my
3 parcel is from the landfill disposal operation and gets
4 deposited on high wind days. Photographs published in an
5 article in the Contra Costa News on November 26, 2006,
6 shows litter in this area.

7 Recently, someone has trespassed on my parcel --
8 a portion of this on this portion of my parcel, because
9 most of the litter has been removed. And I did not pick
10 it up. I believe the litter on the front of my parcel is
11 coming from the road and recycling area. I believe that
12 the number of vehicles bringing recycling to the landfill
13 has been less over the last month or two and the litter
14 accumulation on this portion of my parcel is less than
15 normal.

16 Your staff should be able to verify my
17 observations are correct from the landfill records. The
18 effort of the landfill operator is not implementing an
19 on-site source control that rather off-site litter pick
20 up. Litter is not controlled at the source. And with the
21 increase of hours of operation by four hours per day, that
22 potential for more litter will increase.

23 The proposed permit before you should be denied
24 as inspection reports for this landfill shows a chronic
25 pattern of litter issued demonstrating that the operator

1 is unable to control litter at the source as required by
2 the State Minimum Standards. The State Minimum Standards
3 are indeed minimum standards, and the LEA and the Board
4 must consider establishing maximum standards for this
5 site, as well as require an enforcement of the litter
6 standards of the LEA or discertifying of the LEA. The
7 Board should not accept years of areas of concern.

8 Finding of the LEA litter at the landfill. Prior
9 to approval of the proposed permit, I request that the
10 Board review all inspection reports since the original
11 permit of the Potrero Hills was issued. You will be
12 surprised to see how your staff has done their job.

13 It's my understanding that the Board issued a
14 State Minimum Standard litter control during the
15 pre-permit inspection conducted in September 2006 for
16 Potrero Hills landfill. And the LEA did not issue a
17 similar violation. What is the reason for the difference?

18 Why did the Board take enforcement after
19 noting -- why didn't the Board take enforcement after
20 noting the violation?

21 Why hasn't the LEA or the Board taken enforcement
22 action in the last 20 years on the chronic litter
23 situation on Potrero Hills?

24 What is the Board's enforcement policy regarding
25 chronic violations of State Minimum Standards?

1 Doesn't State Standards allow the Board to take
2 enforcement action if the LEA doesn't?

3 I'm also formally requesting that the Board's LEA
4 evaluate section staff review of the LEA's inspection
5 performance.

6 Land use: At the October 10th, 2006, Permitting
7 and Enforcement Committee meeting, I stated your staff
8 noted in the September 22nd, 2006, letter to Terry
9 Schmidtbauer, LEA, that while Ms. Narcisa Untal, Senior
10 Planner, make a statement that the site is consistent with
11 the County's General Plan, she did not provide
12 documentation to verify her conclusion, as it is your
13 staff that must make the finding of consistency. And I
14 request that the Board obtain the documentation from the
15 County that provides consistency with the General Plan and
16 recommends that Board obtains a legal description of the
17 record.

18 Was documentation and the General Plan reference
19 document on page number or legal description provided to
20 the Board in the amended application packet?

21 Odor: The use of biosolid sludge as alternative
22 daily cover is creating a health and safety issue for my
23 family and for me. I'm concerned about the health effects
24 to the landfill workers who smell the odor all day long.
25 Odor coming from the landfill is particularly bad at

1 night, and the flies and the mosquito population on my
2 property is unsanitary. In addition, the air quality
3 permit states the landfill is to use ash or soil as daily
4 cover. Thus, the proposed permit violates the air quality
5 permit. Biosolid sludge should be covered immediately and
6 the Board should not allow the use of it as alternative
7 daily cover. A research study is needed to determine if
8 health, safety, and environment is being maintained and if
9 the material is truly functioning as ADC as intended.

10 It has been reported to me recently that raw,
11 untreated sewage sludge may be coming into the landfill
12 without the operator's knowledge. Several drivers have
13 spoken to our concern about hepatitis. What source of
14 testing laboratory analysis on one site's load check
15 method are the generator or landfill operator employing to
16 ensure that the raw sewage is not entering that landfill?

17 Conclusion: Enclosed is a letter I have
18 submitted to the Board and Larry Burch for the record.
19 This letter responds to Richard Covington's December 1st,
20 2006, telephone call and the CWMB and the LEA's request to
21 allow the operator to collect litter on my property. The
22 letter stated that my property -- this letter states my
23 property is private property and that the CWMB and the LEA
24 cannot base their decision to approve a solid waste
25 facility permit on me giving permission to the landfill

1 operator for the pickup of landfill litter on my property.
2 It is the responsibility of the operator to take care of
3 the litter at the source of the litter generation and the
4 LEA and the CWMB's responsibility to see that the operator
5 complies with the State Minimum Standards.

6 In closing, I'm opposing to the proposed project
7 and urge the Board to deny the proposed permit because the
8 operator continues to piecemeal this project.

9 I have told Larry Burch for years that the impact
10 of people walking on my property, the grass is how I pay
11 my taxes. Continued vehicles stomping the grass down,
12 invading my property, this is not the answer, picking up
13 the litter.

14 I don't have to tell you this, but my attorney
15 files papers again the 5th, tomorrow. The litter is still
16 on my property. My granddaughter Saturday sprayed it with
17 orange paint. Each day -- because the judge wants to know
18 how much litter is coming off of your property. He wants
19 to know what the minimum standards is. This is one of the
20 things that's going towards the judge. And so we've had
21 to monitor daily how much litter by different color spots
22 on the paper. So there is quite a bit of litter. I think
23 on the front field my granddaughter just caught 200
24 pieces, counted 200 pieces on Saturday on the 33 acres,
25 for which is really minimum for what's usually there at

1 this time.

2 Thank you. I would like to see to it that Mark
3 de Bie, Howard, Keith Roberson, and Larry get a copy of
4 the documentation that I had submitted. Larry Burch's
5 letter that without your permission to recover the litter
6 from your property, it is a situation beyond our control.
7 This has been going on for 21 years. Thank you.

8 CHAIRPERSON MULÉ: Thank you, June. We do have a
9 copy of your comments. I have a written copy of your
10 comments and questions. I just want to answer one.
11 Obviously, yes, testimony is allowed today. And I believe
12 testimony will be allowed at the full Board meeting under
13 public comment. It depends on the outcome of the vote
14 today whether or not this is heard at the full Board.

15 MS. GUIDOTTI: Thank you.

16 CHAIRPERSON MULÉ: And the other questions -- you
17 have a lot of questions here that need to be answered. So
18 we'll make sure that staff does get a copy of this and can
19 get back to you.

20 MS. GUIDOTTI: Thank you.

21 CHAIRPERSON MULÉ: You're welcome.

22 Next speaker is Mr. Arthur Boone again. I'd like
23 to ask that you limit your comments to five minutes
24 please. Thank you.

25 MR. BOONE: My name is Arthur Boone. I'm a

1 member of the Sierra Club Bay Chapter, the four chapters
2 of the Bay Area. I'm a member of their Solid Waste and
3 Recycling Subcommittee, part of the Conservation
4 Committee.

5 One of our concerns always is that garbage be
6 buried as close as possible to the place of generation.
7 There's no virtue in trucking garbage anywhere. And the
8 Solano Landfill has basically become a regional landfill,
9 because they have consistently had lower charges than
10 other landfills have. So now we're seeing last year or
11 the year before we had 120,000 tons of garbage from San
12 Jose trucked through Alameda and Contra Costa County to be
13 buried in Solano. And I have here a little sheet that
14 basically explains some of the finances. There's a \$13 a
15 ton difference in fees that are charged in San Jose versus
16 the fees that are charged in Solano. You multiply that
17 \$13 times 25 tons which is what you could put in a big
18 truck, and if you can find some guy who's willing to take
19 a load of garbage from San Jose to Fairfield and come back
20 for \$325 bucks empty, then you give the garbage to him.
21 That essentially is what has happened.

22 We have been trying to get the support of the
23 people of the San Jose elected officials on this issue.
24 They are seeing a serious erosion in the fees. The reason
25 they have five fees in San Jose is that's how they pay for

1 their recycling programs and all this kind of stuff. When
2 this stuff leaks out, it basically weakens their ability
3 to operate programs.

4 As a citizen in Alameda County, in 1990, I was
5 part of the group that increased the landfill fees in
6 Alameda County by \$6 a ton. We did that with the
7 citizens' initiative. We changed the Altamont Landfill
8 from being a regional landfill to being essentially a
9 county-only landfill.

10 And I think we're all past the point where having
11 landfill capacity is a good thing. Those of you who think
12 about tourist destination, landfills and recycling are
13 competing with each other, just like Maui and Kauai are
14 competing for your vacation dollar. And those of us who
15 like recycling, who believe in it, we want to see
16 landfills as expensive as possible. We want to see them
17 as difficult to access as possible, because we know
18 ultimately it will discourage their use.

19 We have seen a very interesting figure I'd like
20 to give to you. For 30 years in California, there was no
21 net decrease in the per pack consumption of cigarettes.
22 From 1955 until 1985, the doctors all knew smoking was bad
23 for you, and yet there was no change in the consumption of
24 cigarettes on a per capita basis. From 1985 when we
25 started putting those ads on the buses -- you remember

1 that? Half a face and half a skeleton and started banning
2 indoor smoking, we now have a 44 pack per person
3 consumption of cigarettes. We've decreased the use of
4 cigarettes by over 70 percent on a per capita basis in the
5 last 20 years. That's because finally government started
6 taking it seriously.

7 I believe that's where we are in landfills. I
8 believe we are beginning to come to the point where we
9 really say it's not good to have extra capacity.
10 Ten years ago, I told this Board let's try to ration
11 capacity according to what the per capita disposal should
12 be in California rather than as much as the landfill
13 operators asked for. We didn't do it then. We probably
14 won't get it there. But we're moving in that direction.

15 I'm concerned because of the fact that Solano
16 County has shown its ability and its willingness to sell
17 its valuable tipping space to other counties for free.
18 Eight-five percent of the garbage in this county comes
19 from out of county. I believe that's the highest figure
20 of any landfill in the state. Of course, when L.A. County
21 starts going to Imperial County, that might be a little
22 different, but at this point that's the truth. So I would
23 discourage you -- I would encourage you not to collaborate
24 with the hauler that's asking for these changes. Thank
25 you very much.

1 CHAIRPERSON MULÉ: Thank you.

2 Our next speaker is David Tam.

3 MR. TAM: Thank you, Chair Mulé and other
4 Integrated Waste Management Board members. My name is
5 David Tam. I'm here today -- I'm a director of the
6 Northern California Recycling Association, as is Arthur
7 Boone, who has spoken before me. And I concur in his
8 comments particularly. But today I'm representing the
9 nonprofit that is helping on the financing of the
10 litigation against the Phase 2 expansion, which its
11 acronym is SPRAWLDEF. And it stands for Sustainability
12 Parks Recycling And Wildlife Legal Defense Fund. And def
13 in the rap music means death. So we're going to try to be
14 militant in this in future litigations.

15 But this is a different strategic arena from the
16 court and the question whether or not Solano County has
17 complied with the California Environmental Quality Act.
18 As I understand it, your Board and staff understand you
19 have a fairly narrow statutory obligation to oversee
20 things here. And I'm afraid you're being put in a
21 situation where you're dodging an iceberg. You're the
22 Titanic, but you've got sort of an open drain.

23 And Mr. Boone has sort of described it in his
24 comments about importation from other counties. And you
25 find yourselves powerless to do anything about the fact

1 that that drain remains open and you're basically draining
2 away two things: Present permitted capacity that was
3 intended to be for central Solano County and it is used in
4 an emergency by Sonoma County and non-emergency by coastal
5 Contra Costa County, and then you have the other 70
6 percent of the tonnage that's coming in that's quite
7 unnecessary and quite in conflict with, for example, the
8 State's new commitment to be a leader in discouraging
9 greenhouse gas emission.

10 So I would just urge you to be giving some
11 attention at your legislative arena level to getting some
12 broadening of your statutory powers to take cognizance of
13 essentially market defects. This is a spill over or
14 economic externality. It's basically a cheap landfill
15 that's beggaring its other neighbors.

16 I did send the preliminary calculation based upon
17 the 2005 tonnages by jurisdiction that are on your
18 website, and I aggregated them by counties. There are
19 about 13 other counties. And I haven't completely
20 finished this, but I'll just read in the county tonnages
21 at this point as I discern them: Alameda, 11.2 -- 11,170
22 tons; Contra Costa 258,982 tons; Marin County, 44,569
23 tons; Mendocino County about 69,000 tons; Napa, 6,211;
24 Sacramento -- some of this isn't coming through, something
25 I'm going to be talking about in a minute, which is your

1 Cordelia intersection you're impacting -- 65, almost
2 66,000 tons; 50,000 tons from San Mateo County; about
3 70,000 tons from outside of San Jose and Santa Clara
4 County. That's the longest haul. Solano County itself is
5 taking in about 165,000 tons. Sonoma County, this was
6 last year, 152,000 tons. And of course, that's going to
7 ramp up by a factor of two to two-and-a-half with Sonoma
8 County being shut down. Small amount from Yolo County.
9 That was basically all the tonnage last year. And the
10 tonnage is ramping up this year by another two or 300,000
11 tons.

12 This is not a local landfill anymore. And
13 basically, they're basically exporting the problem that we
14 thought had been solved 10 to 15 years ago in Contra Costa
15 County of not having Contra Costa County wastes going into
16 a wetland. The Regional Water Quality Board 22 years ago
17 wisely told Contra Costa County, you've got five more
18 years to get an Upland Canyon landfill. It took them
19 eight years. I can feel the anxiety of Mr. Gordon and his
20 clients about how long it takes to get a new landfill
21 capacity permitted in whatever county, no matter how
22 agreeable it might be, to augmenting its general fund
23 revenues. But it's basically I think the Board should be
24 resolving itself very soon to do something about this
25 situation rather than widening the drain plug, which is

1 what you're doing. A semantic clarification and then a
2 couple other points.

3 I would say -- are you Mr. Danzinger?

4 BOARD MEMBER DANZINGER: Yes.

5 MR. TAM: I agree it's not an expansion. It's an
6 extension of two years. I hope that people would concur
7 that that's basically what it is. We understand it's a
8 recalculation of what's possible if certain things are
9 permitted, which we don't think should be the case.

10 Two or three other points. One, the attorney
11 Amber Vierling made a very important piece of testimony at
12 your hearing, which you kindly conducted in Fairfield,
13 which there wasn't, in her judgment, a sufficient CEQA
14 documentation for you to proceed to approve a permit.

15 And in particular, Supervisor Duane Kromm from
16 Solano County pointed to the situation -- and I think it
17 occurs on about page 56 of the transcript -- of a lot of
18 traffic going through the 80, 680 interchange at Cordelia.
19 Now, the permit conditions that are being relaxed here
20 basically allow traffic pretty much about 160 to 168 hours
21 a week. So with the 30 or 40 percent ramp-up in traffic,
22 that's basically what we're seeing this year, the year
23 2006 for which the statistics are not in yet, you may be
24 basically approving without adequate CEQA analysis an
25 exacerbation of your regional traffic situation with

1 respect to a very important intersection, 680 and 80 at
2 Cordelia junction.

3 Also I would like to know for the record -- and
4 perhaps somebody from Solano County Environmental Health
5 could provide this information in today's hearing. Is the
6 regulatory and oversight philosophy of the local
7 enforcement agency to regulate the tonnages for what's
8 proposed to be Phase 1.5 on a daily basis or basically a
9 seven-day rolling average basis? Is it both ways or one
10 way? I hope I'm stating that in a way that's precise, but
11 I don't have my notes in front of me. But the point
12 basically is you've got potential for traffic problems at
13 very inconvenient times.

14 Finally, I would like to go back to -- because I
15 can see people's eyes frankly glazing over as I ran these
16 tonnages by you.

17 CHAIRPERSON MULÉ: Not mine.

18 MR. TAM: I do intend to expand this into written
19 testimony that I will provide as quickly as I can today or
20 tomorrow, by the way. But the other part of the numbers,
21 the breakdown -- and by the way, I think it's not 85
22 percent. It's about 87 -- 82 percent is imported from
23 outside of Solano County according to the way I did my
24 math on my little cell phone calculator. Nonetheless,
25 it's basically five out of six tons coming in are coming

1 in from outside this area from the central and
2 southern/northern part of California. It's not what
3 you're supposed to be seeing. It's not congenial with all
4 the counties in California attaining their AB 939
5 diversion goals. And that is because, as Mr. Boone
6 alluded, many of the other counties have landfill-based
7 fees which they use to ramp up their recycling programs.

8 To be charitable, Solano County's fees are modest
9 and they're too modest. Supporters of this landfill say
10 that they're doing a good job for us and we've got cheap
11 garbage rates. That's not helpful. That's really not
12 helpful to your mission to make sure that AB 939 is
13 attained in all the counties. And you have now basically
14 committed to eventual zero waste California. This is a
15 move in the wrong direction.

16 And let me give you what it is. The record, as
17 we understand it for our trial, is that Solano County
18 takes in about \$7 million a year in general fund revenue
19 one way or another from this landfill operation. Other
20 counties that are giving to this basically collect between
21 three and \$20 a ton. Santa Clara and Alameda County on
22 the high end of the range I don't know how much. But
23 basically for about 700,000 tons a year at between 10 and
24 \$12 a ton average that's collected in the other counties,
25 we're looking at about \$6 million a year in revenue loss

1 to recycling programs in other counties. I will try to
2 quantify that so it's just not conjectural, which is what
3 it is now. I'll try to get that done in time for
4 Thursday's meeting. But frankly, this is an unregional
5 policy on the part of Solano County. It needs to be
6 discouraged by your Board in whatever legal way that you
7 can. And it's essentially beggaring their neighbors.
8 Thank you.

9 CHAIRPERSON MULÉ: Thank you, Mr. Tam.

10 Our next speaker is Kevin Finn.

11 MR. FINN: Good morning. My name is Kevin Finn.
12 I'm the Area President for Republic Services. Potrero
13 Hills Landfill falls inside my area.

14 First, I'd like to thank the Board for taking the
15 time to consider our modification request and especially
16 the staff. I know staff has spent a lot of time looking
17 at this.

18 If I can take a couple of minutes explaining what
19 we're doing and then another couple of minutes talking
20 about litter. We've focused our modification requests on
21 basically two items. One is to increase our operating
22 hours to 24 hours, and the other is to recognize the
23 volume that's coming in differently.

24 The 24-hour request gives us the opportunity to
25 move a lot of these trucks out of the daytime traffic and

1 bring them into the facility in the evening. This does a
2 couple of things. It gets them out of the rush hour
3 traffic. It saves fuel. And it gives us the opportunity
4 to better manage all the operations that are going on
5 inside the landfill.

6 The second request that we're looking for is that
7 some of the designation of tons coming in will be changed
8 to not count towards our cap. And as we've heard earlier,
9 we have a recycling operation. And every ton that comes
10 in and is managed inside a facility -- and what we do is
11 take the local trucks that service the local communities,
12 they deposit that recycling material inside our plant on
13 site, and then we load it in the larger trucks that are
14 heading back that's basically back haul. We save three
15 trips heading into a processing facility. Well, that
16 material counts towards our cap. And, obviously, it comes
17 on the site. We manage it, package it, put it on a
18 trailer, and send it out. So it's not going into the fill
19 at all.

20 We have a variety of other material that comes
21 in: Green waste, which is managed into compost. We have
22 C&D and wood loads which are chipped. A lot of it is sent
23 off site. This material I don't think was really ever
24 intended to count towards the cap since we manage it, and
25 a lot of it goes outside the site.

1 We have litter. And litter is a problem at
2 times. We have two ways, two separate ways that we
3 address these litter issues. On the site itself, we have
4 wind day programs. We watch the weather. The site
5 managers, everybody is acutely aware of the issues on
6 heavy wind days. So we manage the traffic inside the
7 site. The angle that we dump the trailers at, we've
8 installed portable wind fences that surround the whole
9 face as we're managing the dumping face. And we put in
10 wind fences all along the site.

11 On extreme wind days when the gravel material and
12 especially these plastic bags -- they're like parachutes.
13 And we bring in staff, sometimes up to 20 people a day,
14 that will go off site and gather it. So within 24 hours,
15 any material that leaves the site, with one notable
16 exception, is picked up and brought it.

17 The other litter issue is on the trailers and
18 trucks that deliver. We tried to address that last year.
19 We have addressed it. You know, we instituted a policy
20 where if you come to dump at our facility without a tarp
21 or a secured tarp, you're fined and you're warned. And
22 just in the last year, we've applied this fine 630 times,
23 I believe.

24 We have put staff out on the road on Route 12
25 three times a week. We pick up the litter on that road.

1 On the access road coming into the site, we maintain that
2 every day. We've been working with the local authorities
3 on different programs and we'll address those a little bit
4 later. But one of them, if you've been out to the site --
5 our access road is long. If you come off of Route 12, you
6 have a long drive into the site. And we recognize that.
7 By the time you get to the site, if you had an issue with
8 your tarp, you've already lost something. So we're
9 discussing a program now where we will move the inspection
10 for the tarp and secure loading further down the road so
11 we catch all this before it moves.

12 Thank you. Do you have any questions?

13 CHAIRPERSON MULÉ: Thank you, Mr. Finn.

14 BOARD MEMBER BROWN: I think we do. Don't go
15 anywhere. Do you want to take all testimony before
16 questions?

17 CHAIRPERSON MULÉ: We have one more speaker so --

18 BOARD MEMBER BROWN: Okay. I have a question
19 regarding the litter program, so we can go back.

20 CHAIRPERSON MULÉ: Go ahead.

21 BOARD MEMBER BROWN: If it's the law that
22 everybody cover their loads, how can you have 630 load
23 violations for people with debris blowing? Just a
24 question. I mean, 630 is an enormous number of trucks
25 coming to your facility.

1 MR. FINN: Well, they're not all trucks. A lot
2 of them are local citizens load up in the back of a pickup
3 and drive in.

4 BOARD MEMBER BROWN: Can you give us -- I'm
5 trying to get to the bottom of this. Because if you said
6 ten or twelve a year, I'd say okay. You know, that's
7 okay. Six-hundred-thirty in my mind is an enormous
8 number. And I don't know why you continue to take trucks.
9 After two violations, why don't you tell them you won't
10 take their garbage? It's jeopardizing your operation.

11 MR. FINN: Well, we do. We do. If we have a
12 number of violations on the same company, we would do
13 that.

14 But I can provide to the staff who we've been
15 addressing these issues with. But for the larger haulers,
16 that's not an issue. Because they can't risk their
17 privileges coming in. For the one time and for the
18 citizens and the cash people that come in and use that
19 during the day, that's where we have most of our issues.
20 And we'll address that and they know next time if they
21 come in that they'll run into the same problem.

22 CHAIRPERSON MULÉ: Mr. Finn, I know that at a
23 number of landfills as you're approaching the landfill,
24 there are signs at other facilities. And I can't recall
25 if there's one at this particular facility that say all

1 loads must be tarped.

2 MR. FINN: There is.

3 CHAIRPERSON MULÉ: And then under penalty of
4 whatever, it cites the State statute.

5 MR. FINN: There is a sign.

6 BOARD MEMBER BROWN: So how are you addressing
7 the 630 fines that you issued? I mean, what are you
8 putting into place to decrease the number of people
9 entering your facility?

10 MR. FINN: Part of our plan has always been and
11 what's going take that into temporary and one-time users
12 and repetitive users, our bigger accounts -- very seldom
13 do we have an issue with our regular accounts, especially
14 with the larger trucks because it's a big risk for them if
15 they come in and there's a tarping issue. It's not always
16 it's not tarped. Sometimes there's a tear in the tarp.
17 And inspector will see them and write them up for that.
18 They're not going to risk their dumping privileges for not
19 tarping the load.

20 But the problem is with the smaller, the one-time
21 and temporary, the local people that come in -- they do a
22 clean up and throw it in the pickup truck and drive it in,
23 we do have a sign at the entrance. But at that point, a
24 lot of them will still drive up and try to get through.
25 At that point we will address the issue with them.

1 BOARD MEMBER BROWN: By Thursday, I'd like to see
2 a percentage of how many are actual citizens and how many
3 are registered haulers that are coming in that you're
4 fining. Because I don't think 630 fines by your facility
5 in litter control issues for covering loads is adequate.
6 I don't think what you guys are doing is adequate if
7 there's 630 fines. I want to see how many are
8 self-haulers and how many are registered companies.

9 MR. FINN: Fine. And we can have that for you.

10 CHAIRPERSON MULÉ: Thank you.

11 Our final speaker is Larry Burch.

12 MR. BURCH: Thank you, Madam Chair, members of
13 the Committee. My name is Larry Burch. I'm the Landfill
14 Development Manager for Potrero Hills Landfill. I guess
15 my comments can answer some of the questions that have
16 been raised in the previous testimony.

17 Regarding the uncovered loads, I think one of the
18 reasons we have a high number of people who come to the
19 landfill one time a year and don't know about having a
20 covered load is the city of Fairfield and city of Suisun
21 have free dumping privileges given to every resident. And
22 you have a coupon. They can come to the landfill and
23 unload those things they can't get out through the normal
24 collection system. And so somebody will go down and rent
25 a U-Haul trailer, hook it behind their pickup truck, and

1 come out, and find out they should have had a covered
2 load.

3 And one of the things that we're looking at is as
4 Kevin mentioned is instituting on the high wind days
5 moving our person from in the scale house out a mile away
6 next to the highway and have those people fine them. But
7 basically it pays for the tarp that we give them. They
8 cover the tarp -- or the load as they come in. And we at
9 least stop the litter from being lost along our haul road.
10 We really don't have control to tell somebody to do that
11 at their house. It's the CHP could be out there writing
12 these inspections and violations. But we are looking at
13 adding that as an additional high wind control measure.
14 So I think the number of violations is there's a lot of
15 single use. They come out one time a year, and they
16 didn't realize that they had to have a covered load.

17 CHAIRPERSON MULÉ: Larry, have you thought about
18 maybe having that printed on the coupon so that people
19 know that when they do their cleanup they know ahead of
20 time that they're supposed to cover their load?

21 MR. BURCH: I think that's in there.

22 CHAIRPERSON MULÉ: I think that would be a good
23 public ed tool.

24 MR. BURCH: It's on there now, and I believe that
25 our advertisement in the telephone book, covered loads

1 required.

2 But we're trying to do this outreach. And maybe
3 as an outcome of this meeting today we can tell the
4 newspaper one of the issues that was discussed here was
5 the number of loads that are coming out to the landfill
6 and are not covered. Maybe that then can be a message
7 that the readers pick up on.

8 On the issue of CEQA and our ability to have
9 everything studied adequately, this issue before you
10 today, as Kevin mentioned, is two things: The tons that
11 are counted for landfill disposal and then the 24-hour
12 operation.

13 The CEQA was actually done twice on the 24 hour
14 and what counts back in 1996. The action for the original
15 permit talked about the Cordelia intersection and the
16 traffic. And so did the 2005 CEQA work. Actually, we're
17 not changing any traffic. Back there in 1996 it was set
18 at a thousand vehicles per day. That's not being changed.
19 So there should not be any concern about extra amount of
20 new traffic coming to the site. We're operating at about
21 maybe 70 percent of our capacity at this time. And so
22 yes, there will be another 30 percent of traffic that's
23 above today's rate, but that's been approved now for
24 ten years. We just have not fully exercised that original
25 allotment.

1 I'm not sure about this wetland situation out in
2 Contra Costa County. I think that's an issue that's
3 really Phase 2. We are not in the wetlands. We're up in
4 the highlands around that is surrounded by wetlands.

5 This idea of reserving capacity locally, this is
6 something that was discussed at the local level in the
7 Board of Supervisors meetings. They actually have a
8 special clause in our use permit that says we give
9 local -- first choice of disposal to the waste from the
10 local areas. But it was ten years ago, actually 1989, the
11 Board of Supervisors went on record saying this was going
12 to be a regional landfill. It's going to serve Contra
13 Costa County, Napa County, going to continue to serve
14 Solano County. So it's not a new idea here about this
15 being a regional landfill.

16 And I think I made the comments at the Fairfield
17 meeting that I believe one of the points that the Board
18 should be looking at here is landfill capacity for the
19 future in the Bay Area. We're running low on it. And
20 that's why Sonoma County and Mendocino County come to us
21 is that their landfills are closed. So they're probably
22 doing all they can under their AB 939 program to try to
23 recycle as much as possible so they don't have to send it
24 to us, because it's costly to them.

25 I don't think we're the big obstacle to the AB

1 939 compliance issues that some people make it out to be.
2 But we should be looking at future capacities and acting
3 accordingly.

4 Regarding the asthma situation, I'm sorry to hear
5 that. That was a terrible incident. Asthma is a problem
6 in Solano County, but I don't think you can attribute it
7 to our landfill. If you look at the traffic or the wind
8 patterns in Solano County, Travis Air Force Base gives you
9 an excellent indication of which way the wind blows. It's
10 a diagonal path. And basically winds from the landfill
11 are going away from the people. It's going more towards
12 Travis' back country area rather than the people who live
13 to the south -- to the north and the west. So I don't
14 think it's a fair comparison to bring up the asthma
15 situation, even though that was a horrible incident for
16 that family.

17 We do try to take all precautions we can on dust
18 control and follow those procedures.

19 With respect to litter, last week -- well, let me
20 back up one more sentence. Rains are starting to fall,
21 and the grass is starting to grow. And it's time to bring
22 the cows to Ms. Guidotti's property. Annually, we call
23 her up, write a letter and ask could we have the authority
24 from her to come out and pick up litter on her property.
25 And in previous years, we've done that. The last time

1 we've done that was a year ago. She allowed us to come
2 out and pick up litter. So when somebody goes out there
3 and counts the number of pieces of litter on the property,
4 you're seeing a year's accumulation. So if you're
5 counting 60 pieces, 200 pieces of litter in an area, yet
6 we have put in -- I didn't total up the numbers, but it
7 must be five or 600,000 tons of waste went in next door to
8 this property, I think we've got a fairly good control
9 program already.

10 Now, Kevin has mentioned we need to control the
11 trucks coming in better. And that could be done through
12 education and through an enforcement of our own. We've
13 already capped over the top of the recycling area with a
14 netting. I think you've been out there to see that. That
15 was a problem two or three years ago when we first opened
16 that up. We thought a tennis court fence would probably
17 work, but the paper over flew that. We've now have caged
18 that in. So that shouldn't be a source of litter in the
19 future.

20 The most recent exposure we've had to litter
21 between the violation we got in November and the apparent
22 violation in October versus November is that during that
23 30-day period, the winds were blowing north to south. And
24 it wouldn't be likely that you would get litter coming
25 from the landfill blowing onto Ms. Guidotti's property.

1 From the hall road in, maybe that's a possibility and we
2 need to connect that better.

3 We have now completed our newest cell. It gets
4 us down low into the ground where we're placing the waste.
5 And we should go through this next season with less
6 exposure to winds.

7 That brings this last statement I'd like to make,
8 and that is on the 24-hour operation, actually if you look
9 at the weather chart, the winds drop off at sundown out in
10 our area. And we have less winds on most days at
11 nighttime. So if we get more waste delivered in the
12 evening periods, we've got less wind to contend with.
13 Now, there's exceptions when the wind blows all day and
14 all night. But on the usual basis, we think the 24-hour
15 operation will solve several things. It's going to be a
16 better litter control situation and a much better traffic
17 situation.

18 I believe that responds to a lot of the concerns.
19 We are trying to control the litter at the source. You'll
20 notice there is a new provision in the requirement about
21 as we're pushing the waste down to the area to be filled,
22 we have to have a wind shield on the wind side and litter
23 control fences on the down wind side.

24 And these are just like this. Wind is blowing
25 this way. We have a block here. Here's the pathway. And

1 here's the litter control fence. And this whole thing is
2 only like 100 feet wide. It's not half a mile wide.

3 So I agree with June that source control on
4 litter is the place to start. And that's our intent. If
5 you have any questions --

6 CHAIRPERSON MULÉ: Thank you.

7 COMMITTEE MEMBER PEACE: The only question I
8 have, is there a transfer station in the area at all where
9 public can be directed to a transfer station instead of
10 driving up to the landfill with all their uncovered loads?

11 MR. BUTCH: No. We have to drive from Fairfield
12 over to Napa. It's about 15 miles away. They go to
13 Martinez area, which is 20 something -- no. There's no
14 transfer station nearby.

15 COMMITTEE MEMBER PEACE: Okay.

16 CHAIRPERSON MULÉ: Any other questions, Board
17 Member Peace, for staff?

18 COMMITTEE MEMBER PEACE: I have some questions
19 for staff.

20 So they're going basically from 21 hours a day to
21 24 hours a day. The effect on the marsh wildlife, is that
22 considered in the EIR, or is that something that's going
23 to be considered at the BCDC?

24 BRANCH MANAGER DE BIE: The increase in hours was
25 part of the project that was analyzed in the EIR.

1 COMMITTEE MEMBER PEACE: And they analyzed
2 effects on wildlife and stuff? Or is that something
3 that's done at like BCDC?

4 BRANCH MANAGER DE BIE: There's an obligation to
5 review all the potential impacts to the environment
6 including wildlife.

7 COMMITTEE MEMBER PEACE: Also in their current
8 permit, they are limited to 250 tons a day of sludge. But
9 in the new permit, there's no limit on how much sludge
10 they can take?

11 BRANCH MANAGER DE BIE: There is a requirement on
12 how much wet sludge can be received. I believe -- I'm
13 going to ask staff to correct me if I go sideways here.
14 But I believe part of that is responsive to a requirement
15 from the Regional Board in terms of having very wet waste
16 received and being able to handle that at the disposal
17 area. So that's associated with that.

18 The other sludge that's less wet is already being
19 received and handled. And some of that is utilized for
20 cover. So I believe what's happening with this permit
21 relative to the 250 tons of wet sludge that we're
22 recognizing this further limitation on one particular type
23 of sludge being received at the site. I don't think I
24 answered it.

25 COMMITTEE MEMBER PEACE: So you said there is a

1 limit in there, even though it doesn't say on our papers
2 here. It says that the current one is 250 tons per day of
3 sludge. And in the proposed it doesn't have anything.
4 Maybe it just wasn't carried forward from the permit. I
5 was just wondering.

6 BRANCH MANAGER DE BIE: On the face of the permit
7 it indicates sludge maximum 250 tons for disposal if it
8 exceeds 50 percent moisture. That's what I was referring
9 to, there is a limit on how much wet sludge.

10 COMMITTEE MEMBER PEACE: It really hasn't
11 changed?

12 BRANCH MANAGER DE BIE: No. We're clarifying
13 this.

14 Larry, can --

15 MS. GUIDOTTI: After Larry speaks, could I please
16 have a moment?

17 BOARD MEMBER BROWN: She's the Chair.

18 CHAIRPERSON MULÉ: Let's go through our questions
19 first, because we've had quite an extensive public comment
20 period. So we really would like to get the questions from
21 the Committee members and other Board members on the
22 record. Thank you.

23 MR. BURCH: With respect to the sludge, under the
24 Regional Board waste discharge requirements, we can have a
25 ratio of five to one; five parts garbage, one part sludge.

1 And we can receive sludge as wet as 85 percent moisture.
2 What was the old language in the current permit
3 we live under, solid waste permit, it says we can receive
4 250 tons per day of sludge. And we wanted to have that
5 separated out the ADC. So we've asked the LEA to look at
6 if we bring in sludge for ADC, it may be dried sludge from
7 lagoons, which is less than 50 percent moisture. If
8 that's going to be buried and not used as ADC, that
9 counts. That is going to be counted under the 3400 tons
10 per day buried. If it's used as ADC, it doesn't fall
11 under that limit. But it's going to be counted as a
12 vehicle coming in. If we use the sludge that comes off of
13 centrifuge and other drying methods, maybe have 15 percent
14 solids, 85 percent water, that can be used as ADC. Would
15 not be counted as a disposal. But it would be counted as
16 the truck's coming in. If you notice that line, it says
17 maximum 250 tons per day for disposal if it exceeds
18 50 percent moisture.

19 COMMITTEE MEMBER PEACE: So have you gotten your
20 permit from the Water Board for this permit revision?

21 MR. BURCH: No. That's our permit since 1980.
22 1993, it said 250 tons.

23 COMMITTEE MEMBER PEACE: You don't have to get
24 any revision to your Water Board permit?

25 MR. BURCH: They've already been on record and

1 staff contacts with your agency in fact that the Regional
2 Board is not governing the hours per day, nor the tons
3 being disposed of. When we talk about going into the
4 Phase 2 operation on different territory, yes, we'd have
5 to get waste discharge requirements revised for that.

6 COMMITTEE MEMBER PEACE: Now correct me if I'm
7 wrong, but didn't I see a letter from the Regional Water
8 Board saying that the leachate collection system wasn't
9 working and that they couldn't even monitor sumps like 3
10 and 4 because they couldn't access them? What's that all
11 about?

12 MR. BURCH: In the older part of the landfill, we
13 have sumps that are out in the bottom of the landfill and
14 we have the vertical riser pumps that came to the surface
15 that you could run a tape measure down and see if there's
16 water that's above the approved limit in that sump. And
17 as the landfill got taller, those pipes shifted. We
18 redrilled them, reestablished it. And that's just part of
19 our normal notification to them, that whoops, those have
20 shifted again. We have not found problems in the past,
21 just that the monitoring devices failed. So we go back
22 and re-drill them and install them. So they're reacting
23 back to a quarterly report we made to them saying it's
24 time to relook at the replacement of those probes. So
25 they're putting us on a notice. They want to see what our

1 program is for the replacement and have part of the
2 discussion before we go in and re-drill those. That's
3 what that was all about.

4 COMMITTEE MEMBER PEACE: I understand you said
5 you only get about 700 vehicles a day now to the landfill.
6 So really you can go up 300 vehicles more.

7 MR. BURCH: On an average basis.

8 COMMITTEE MEMBER PEACE: If you take out the
9 recycles and the alternative daily cover and all those
10 things, you could really see then your traffic bump up;
11 correct?

12 MR. BURCH: Not bump up above 1,000.

13 COMMITTEE MEMBER PEACE: Not 1,000, but it could
14 bump up from 700 to 1,000.

15 MR. BURCH: Oh, even if you left it as it is
16 right now with 34 tons per day counts everything, then
17 we're still going to see that increase go up as we get
18 closer to 3400 tons per day. Right now, I think we're
19 averaging 2900 to 3100 tons per day. We have another 300
20 tons a day or so left in our current permit when you count
21 everything. There's that other 300 vehicles per day would
22 be delivering those other wastes.

23 It's kind of an algebra problem here. We've got
24 3400 tons per day would be delivered. That's a maximum
25 for disposal in the landfill. If that's brought in in

1 transfer trucks and every one of those was 20 tons each,
2 what's that, 170 trucks? Did I do my -- 170 vehicles.
3 Well, we have a lot of self-haul. So there's two or 300
4 self-hauls coming in. The likelihood that -- I'm going at
5 here to fully dispose 3400 tons per day in what we see the
6 market that's coming to us looks like it's going to be
7 about 600 vehicles, 700 vehicles per day, like it is
8 today. And that the amount of recycling we can do out
9 there as far as composting and concrete crushing is really
10 governed by the distance somebody can drive to us. And we
11 think there's less distance. So it's really going to be a
12 smaller quantity of maybe three or 400 tons per day being
13 delivered for recycling. If we had ten tons per truck,
14 we're talking about 40. So there's a lot of room left in
15 this 1,000 tons per day capacity without it ever being
16 needed to exceed it.

17 COMMITTEE MEMBER PEACE: And a thousand vehicles
18 a day --

19 MR. BURCH: A thousand vehicles a day.

20 COMMITTEE MEMBER PEACE: -- is what is accounted
21 for in the environment EIR.

22 MR. BURCH: Definitely. There's a table in there
23 that splits it out between disposal and recycling
24 currently. And then there's forecast as to how this would
25 change in the future.

1 CHAIRPERSON MULÉ: Any more questions? Any other
2 questions from any Board members?

3 COMMITTEE MEMBER PEACE: The last question I have
4 is what about the closure/postclosure? Did you say you
5 were still working on that? Have we determined the
6 preliminary closure/postclosure? You already took care of
7 that?

8 DEPUTY DIRECTOR LEVENSON: Yes, Member Peace. We
9 have determined that those plans are adequate and can make
10 that finding.

11 CHAIRPERSON MULÉ: June, I'll give you one
12 minute, and then we want to wrap this up. We do have
13 another meeting that was scheduled for 11:00 a.m., just so
14 you know.

15 MS. GUIDOTTI: Thank you so much. I just want to
16 rebuttal what Larry said that the litter has been there
17 since April or whenever he's saying. If you look at what
18 I requested from you, from the LEA, Matt Weinburke
19 documented ten pieces of litter on my property when we
20 went to court in October. After that, I think from what I
21 understand they moved him to Hay Road Landfill because he
22 did get a violation on the odor coming off. And Ricardo's
23 done it, and I think they've gotten zero. The litter
24 that's there since we went to court in October is
25 brand-new litter.

1 CHAIRPERSON MULÉ: Thank you.

2 MS. GUIDOTTI: One more thing is the wind.

3 That's okay. I got Thursday. Thank you.

4 CHAIRPERSON MULÉ: Thank you very much.

5 Any other questions? Do I have a motion?

6 I'll move Resolution 2006-216. Do I have a
7 second? I don't have a second, so we will move this item
8 to the full Board on Thursday.

9 BRANCH MANAGER DE BIE: Madam Chair, if I may,
10 Mark de Bie again.

11 I think there's a very good possibility that the
12 agenda item will be revised to some extent to include the
13 findings, if anything. Relative to the questions that
14 June had and others have, we'll work with you, Madam
15 Chair, on how you might want to have that information
16 available for the Board meeting.

17 But I just want to let people know that are there
18 that there will more than likely be a revised agenda item
19 posted by staff prior to the Board meeting that at a
20 minimum will include the findings that we provided orally
21 today.

22 CHAIRPERSON MULÉ: Okay. Very good.

23 DEPUTY DIRECTOR LEVENSON: And Madam Chair, I'm
24 sorry to interrupt, but tagging onto Mark, just given
25 everything else that is going on this week, we will do our

1 best to address the questions in here. But we may not
2 have something in writing available until the morning of
3 the Board meeting. So it's just another heads-up to folks
4 in the audience.

5 CHAIRPERSON MULÉ: Right. Just so everyone
6 understands, we do have a quick turn around this week. We
7 have our Committee meetings today and tomorrow, and we do
8 have our full Board meeting scheduled for this Thursday as
9 opposed to the following Tuesday. So we've got a very,
10 very short amount of time to answer all the questions that
11 were raised today. So please bear with us. The
12 information may not be available until the morning of the
13 full Board meeting. So I just hope everyone can
14 understand. Even burning the midnight oil, this is going
15 to be a tough turn-around.

16 COMMITTEE MEMBER PEACE: Can I ask one more
17 question of the operator? Since you said there is no
18 transfer station nearby, have you ever considered raising
19 the tipping fees that you have and putting that money
20 towards maybe developing a transfer station where all the
21 public hauling could go so it wouldn't have to go clear up
22 to the face of the landfill?

23 MR. BURCH: I guess in all candor here, yes, that
24 has been discussed within the company. I'm not sure
25 locally with the other decision-makers like City of

1 Fairfield, City of Suisun. But one of the aspects is as
2 we bring the recycling trucks out to the landfill to
3 unload and then be reloaded, if we were to develop another
4 building someplace else and in an industrial area and
5 those trucks went into that building and unloaded, and
6 then the transfer truck that came from the landfill empty
7 would go to that spot, be reloaded, and goes off to our
8 recycling center in Richmond, that's been discussed as a
9 possibility. If you would couple with that the self-haul
10 if they would go and unload in there at that same
11 location, then that would reduce the number of self-haul
12 vehicles coming out to landfill and the recycling trucks
13 coming out to landfill?

14 COMMITTEE MEMBER PEACE: It seems like it could
15 reduce the litter, reduce the amount of traffic. And also
16 with the tipping fee increase, maybe discourage so much of
17 the out of county.

18 MR. BURCH: It is a subject that has been
19 discussed. And on the other counter side of it, you need
20 a facility someplace in the local area. So that means a
21 use permit through the city of Fairfield or Solano --
22 pardon me. City of Suisun. I guess conceivably it could
23 be in the county area. And again, you might view it as a
24 recycling center, but it's going to be looked at as not a
25 real popular land use zone. So maybe a tough facility to

1 site is where I'm getting to. So it's an excellent idea.

2 We're still looking at it.

3 CHAIRPERSON MULÉ: And Elliot, could you just
4 briefly go over how we will conduct the vote on Thursday
5 given the fact that we have five Board members and what
6 constitutes concurrence? Very briefly. Thank you.

7 STAFF COUNSEL BLOCK: Certainly.

8 As was mentioned, we'll have five Board members.
9 Pursuant to the statutes that govern the Board, it
10 actually takes four Board members out of the six positions
11 to constitute a quorum. And all affirmative actions of
12 the Board take four votes. So with five Board members on
13 Thursday, normal process is it takes four votes to pass
14 anything. For permits, however, statutes provide that in
15 that case it would take four votes for the Board to object
16 to the proposed permit. So if there are not four votes to
17 object to the permit, it would be deemed approved.
18 Obviously, if there are four votes in favor of the permit,
19 obviously it would be approved at that point in time as
20 well.

21 CHAIRPERSON MULÉ: Thank you. Okay. Without any
22 other comment, this meeting is adjourned. Thank you, all.

23 (Thereupon the California Integrated Waste
24 Management Board, Board of Administration
25 Permitting and Enforcement Committee

1 adjourned at 12:20 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing hearing was reported in shorthand by me,
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the
8 State of California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing nor in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 18th day of December, 2006.

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22 TIFFANY C. KRAFT, CSR, RPR

23 Certified Shorthand Reporter

24 License No. 12277

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Please note: These transcripts are not individually reviewed and approved for accuracy.